

T-10535

T-10535

RA

Name Thomas DeArmondAddress 11463 Broad Acres Rd NE
Hubbard OR 97032
503 981-0319Change in APDA useDate Filed 2-12-08Initial notice date 2-19-08

DPD issued date

PD issued date

PD notice date

Date of FO 2-10-09 Vol 77 Page 219

C-Date

COBU due date

COBU Received date 6/23/2015Certificate issued DEC 16 2016 92054

DESCRIPTION OF WATER RIGHT(s)

Name of Stream WellsTrib. of Seneca CreekUse IR County Marion

Quantity of water (CFS) No. of Acres

Name of ditch

App # 6 12423 Per # 6 12536 Cert # 83086 PR Date 1991

App # Per # Cert # PR Date

App # Per # Cert # PR Date

App # Per # Cert # PR Date

App # Per # Cert # PR Date

FEES PAID		
Date	Amount	Receipt #
<u>2/12/08</u>	<u>800.00</u>	<u>91431</u>
<u>2/12/08</u>	<u>125.00</u>	<u>91430</u>
<u>6-23-15</u>	<u>175.00</u>	<u>116333</u>

FEES REFUNDED		
Date	Amount	Receipt #

Assignments:

Irrigation District

Agent Don Krauer PO Box 5416 Salem, OR 97304 503 508-7862CWRE Don Krauer # 75

CC's list

RA Contractor - Terrance Anthony☐ - Oversized map - Location

**Notice of Preliminary
Determination for Water
Right Transfer T-10535**

T-10535 filed by Thomas DeArmond, 11463 Broadacres Rd. NE, Hubbard, OR 97032, proposes to change the character of use and add a point of appropriation under Certificate 83086. The right allows the use of 1.29 cfs (priority date February 20, 1991 for 1.11 cfs and September 2, 1992 for 0.18 cfs) from two wells in Sec. 30 and 31, T 4S, R 1W, W.M. (Senecal Creek Basin) for irrigation in Sec. 29, 30, 31, and 32. The applicant proposes to add a point of appropriation located approximately 575 feet southeast from authorized Well #1 and 1800 feet southwest from authorized Well #2 (Sec. 31, T 4S, R 1W, W.M.), and to change the character of use for a portion of the lands to nursery. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0883. The last date of newspaper publication is January 7, 2009. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

Published: December 24, December 31, 2008 and January 7, 2009.

Affidavit of Publication

STATE OF OREGON, }
County of Marion } SS.

I, Les Reitan, being first duly sworn, depose and say I am Publisher Woodburn Independent, a newspaper of general circulation as defined by ORS 193.010, and 193.020 printed and published at Woodburn in the aforesaid county and state, that the Notice of Preliminary Determination for Water Right Transfer, a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for the following issues: December 24, December 31, 2008 and January 7, 2009.

Les Reitan

Subscribed and sworn to before me this 7th
day of January, 2009

Marie C. Bernard

Notary Public for Oregon
(My Commission Expires 9/12/11)



RECEIVED

JAN 12 2009

WATER RESOURCES DEPT
SALEM, OREGON

Superseding

FINAL PROOF MAP IN THE NAME OF
THOMAS H. DeARMOND

T 4 S, R 1 W, W.M. Section 29 & 30

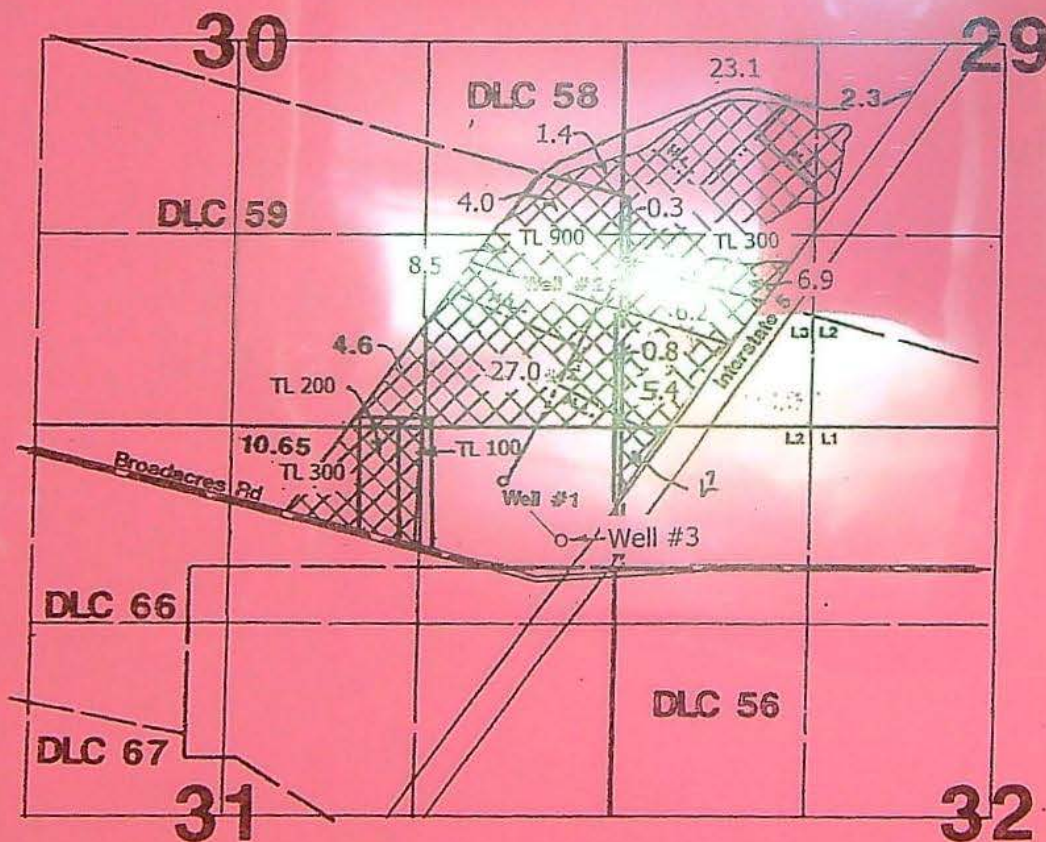
Section line ———
1/4 1/4 line ———
DLC line ———
Pipe line ———
Tax Lot line ———

T-10535

RECEIVED

OCT 31 2016

OWRE



Each well has a meter at the well head.

RECEIVED

Jul 23 2015

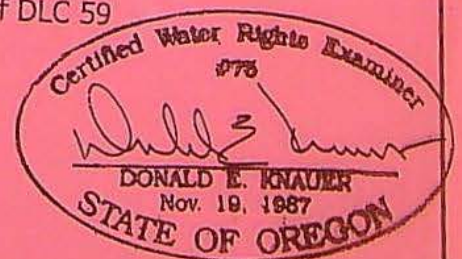
OWRE Well #1: 607' N & 812' W from the SE corner of DLC 59
OWRE Well #2: 1000' N & 50' W from the SE corner of section 30
OWRE Well #3: 220' N & 400' W from the SE corner of DLC 59

WATER RESOURCES DEPT
SALEM, OREGON

Scale 1" = 1320'

This map is not intended to provide dimensions
or locations of property ownership lines.

The place of use for irrigation
under perfected water right
certificate 83086 was added
October 31, 2016.



RENEWAL DATE: 6/30/2015

SUPERSEDED BY FPS DATED 10.31.10

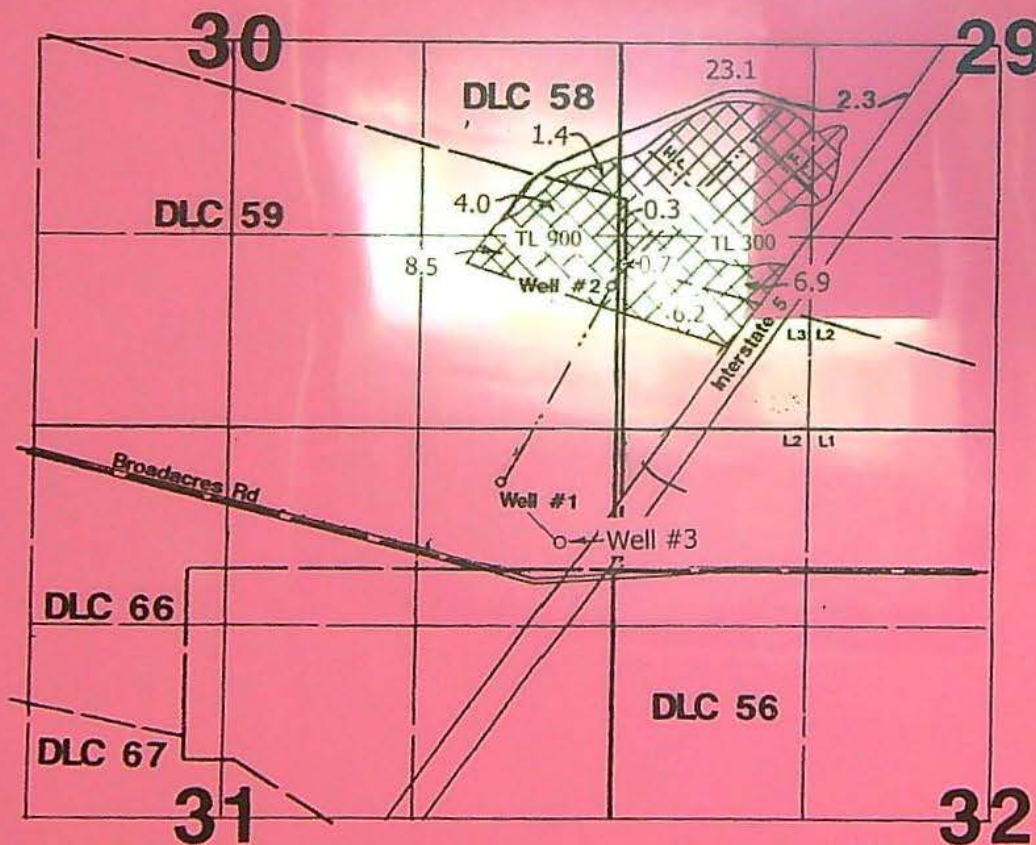
FINAL PROOF MAP IN THE NAME OF
THOMAS H. DeARMOND

T 4 S, R 1 W, W.M. Section 29 & 30

Section line ———
1/4 1/4 line ———
DLC line ———
Pipe line ———
Tax Lot line ———

T-10535

NORTH

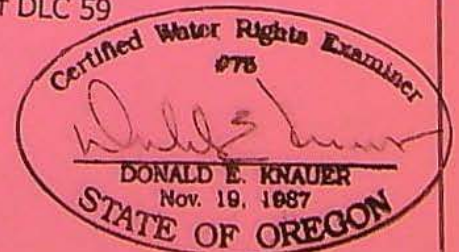


Each well has a meter at the well head.

OWRE Well #1: 607' N & 812' W from the SE corner of DLC 59
OWRE Well #2: 1000' N & 50' W from the SE corner of section 30
OWRE Well #3: 220' N & 400' W from the SE corner of DLC 59

Scale 1" = 1320'

This map is not intended to provide dimensions
or locations of property ownership lines.



RENEWAL DATE: 6/30/2015



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

Date Mailed: December 16, 2016

NOTICE OF CERTIFICATE ISSUANCE

Attached is a certificate that confirms the water rights established under the terms of a transfer order issued by this Department.

This certificate is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

This statement of judicial review rights is required under ORS 536.075; it does not alter or add to existing review rights or create review rights that are not otherwise provided by law.

The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If you have any questions please contact Gerry Clark at 503-986-0811.

Mailing List for Transfer Certificate

Application: T-10535

Certificate: 92054 (C83086)

Certificate/Transfer Holder: (include copy of map)

THOMAS H DEARMOND ✓
11463 BROADACRES RD NE
HUBBARD OR 97032

Copies of final Certificate to be sent to:

1. Watermaster #16 (Include map) ✓
- ~~2. Data Center~~
3. Water Availability ✓
4. Vault ✓
5. File ✓

Other Persons to receive copies (proposed and/or final certificate: (Include map)

1. DONALD KNAUER ✓

Record Marking(s):

1. Original Application# // G-12423
2. Old Certificate# 83086

Copies Mailed

By: *Connie Jones*
(SUPPORT STAFF)

on: DEC 16 2016
(DATE)

STATE OF OREGON
COUNTY OF MARION
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

THOMAS H DEARMOND
11463 BROADACRES RD NE
HUBBARD OR 97032

confirms the right to the use of water perfected under the terms of Permit G-12536. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the wells. The specific limits and conditions of the use are listed below.

SOURCE OF WATER: THREE WELLS IN SENECA CREEK BASIN

PURPOSE OR USE: IRRIGATION ON 50.15 ACRES AND NURSERY USE ON 53.4 ACRES

MAXIMUM RATE: NOT TO EXCEED 1.29 CUBIC FOOT PER SECOND (CFS); BEING 0.67 CFS FOR NURSERY USE AND 0.62 CFS FOR IRRIGATION, IN ANY COMBINATION; FURTHER LIMITED TO 0.45 CFS FROM WELL #1 AND 1.09 CFS FROM WELL 2 AND WELL 3.

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31 FOR IRRIGATION

DATE OF PRIORITY: FEBRUARY 20, 1991 FOR 0.67 CFS FOR NURSERY USE AND 0.44 CFS FOR IRRIGATION AND SEPTEMBER 2, 1992 FOR 0.18 CFS FOR IRRIGATION.

The wells are located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	1 W	WM	30	SE SE	59	OWRE WELL #2 (ORIGINAL) - 1000 FEET NORTH AND 50 FEET WEST FROM SE CORNER, SECTION 30
4 S	1 W	WM	31	NE NE	59	OWRE WELL #3 (ADDITIONAL) - 220 FEET NORTH AND 400 FEET WEST FROM SE CORNER, DLC 59
4 S	1 W	WM	31	NE NE	59	OWRE WELL #1 (ORIGINAL) - 607 FEET NORTH AND 812 FEET WEST FROM SE CORNER, DLC 59

A description of the place of use is as follows:

NURSERY USE							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
4 S	1 W	WM	29	NE SW		58	2.3
4 S	1 W	WM	29	NW SW		59	0.3
4 S	1 W	WM	29	NW SW		58	23.1
4 S	1 W	WM	29	SW SW		59	0.7
4 S	1 W	WM	29	SW SW	3		6.2
4 S	1 W	WM	29	SW SW		58	6.9
4 S	1 W	WM	30	NE SE		59	4.0
4 S	1 W	WM	30	NE SE		58	1.4
4 S	1 W	WM	30	SE SE		59	8.5

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
4 S	1 W	WM	29	SW SW		59	0.8
4 S	1 W	WM	29	SW SW	3		5.4
4 S	1 W	WM	30	SW SE		59	4.6
4 S	1 W	WM	30	SE SE		59	27.0
4 S	1 W	WM	31	NW NE		59	10.65
4 S	1 W	WM	32	NW NW	2		1.7

The quantity of water diverted at the additional point of appropriation, together with that diverted at the original points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.

Measurement, recording and reporting conditions:

- A. The water user shall maintain the in-line flow meter or other suitable device for measuring and recording the quantity of water diverted at the new point of appropriation and maintain the meter or other suitable measuring device approved by the Director at the original point of appropriation in good working order, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water-use information, including the place and nature of use of water under the right.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The nursery use shall be further limited to 0.67 CFS (priority date February 20, 1991), with an annual duty of 2.5 acre-feet per acre (a total of 133.5 acre-feet) over the course of the authorized season of use.

Water shall be acquired from the same aquifer (water source) as the original points of appropriation.

To monitor the effect of water use from the well(s) authorized under this right, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The Water Resources Department has determined that the initial water level in Well #1 is 24.0 feet below ground surface and in Well #2 is 20.0 feet below ground surface. That is the level from which the cited declines in (A), (B), and (C) above will be referenced.

The period of non-use or restricted use shall continue until the water level rises above the decline level which triggered the action or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this right. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

The Director may require water level or pump test results every ten years.

Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The right to the use of the water for the above purpose is restricted to beneficial use on the place of use described.

This certificate is issued to confirm a change in CHARACTER OF USE AND AN ADDITIONAL POINT OF APPROPRIATION approved by an order of the Water Resources Director entered February 10, 2009, at Special Order Volume 77, Page 219, approving Transfer Application 10535, supercedes Certificate 83086, State record of Water Right Certificates.

Issued _____.

Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

MEMO –Proof to Satisfaction (March 17, 2014)

Application #	Permit #	Transfer # T-10535
WRD Reviewer Jessica Joye	Date 7.29.16	
WRD Peer Reviewer J Skaug	Date 8/9/16	

Research

- ✓ Organize file in chronological order
- ✓ Pull CBU Report & Map(s), Application Map, relevant Permit, Certificate, or Transfer Order, most recent Assignments, Extension Orders, SWL Measurements, Fish Screen Certification Documents, Water Use Reports & Pump Tests
- ✓ Search for Water Right Location using Interactive Mapper. Identify Tax Lots & check for Area of Interest (AOI)
- ✓ Water Organization identified using AOI? ☒ No ☐ Yes
If "Yes" cc: _____ & Add to Mailing List
- ✓ Print Tax Lot Map from ormap.net for the original Place of Use, and confirm Current Ownership & Address with County Assessor
If there is a new owner, Add to Mailing List, including the owner(s) name & tax lot number
- ✓ Print Platcard & check for Place of Use Conflict? ☒ No ☐ Yes
If "Yes", provide copy of certificate & relevant map
- ✓ Print BLM Cadastral Survey
- ✓ Does Claim Map identify correct DLC, Gov't Lots, QQ's? ☐ No ☒ Yes
If "No", either _____ WRD amend map OR _____ prepare Order of Certification

Reviewing Claim

Worked w/ G.C. on conf. cert rate inclusion from order & orig. cert ✓

Have conditions on relevant permit, certificate, or transfer order been complied with? Yes, No, OR N/A

N/A Fish Conditions

YES Meter/measuring device Fall 1998

N/A Water Use Reporting

N/A Pump Test (post December 19, 1988)

N/A Other Conditions

N/A SWL

YES - - - - - at 10.1.2010 (summer 2010) ✓

See letter dated 9.23.16 from CWRE

YES Run Capacity Calculator and Print Findings (for pump, sprinklers, pipes, ditches, as appropriate)

0.88CFS CWRE W#1 ← limit well
1.65CFS OWRE W#2
2.97CFS OWRE W#3
1.71CFS OWRE W#1
3.27CFS OWRE W#2
5.95CFS OWRE W#3

NOTES:

NO RR ISSUED

CERT 83086 - 53⁴ AC NURSERY USE

- 50¹⁵ AC IR

103²⁵ AC

1.29cfs

Nursery Use
limited 0.67cfs
2.5AF/ac

0.62cfs

Determination

☒ I've determined that the permit/transfer was fully developed as authorized and that a **FINAL** Certificate should be issued. *Auth: 103.55 Ac @ 1.29 cfs*
Dev.

☐ I've determined that the permit/transfer was not fully developed as authorized and that a **PROPOSED** Certificate should be issued. A proposed Certificate should be issued for the following reason(s):

☐ I've determined that beneficial use was NOT made within the terms and conditions and that a **Proposed Order of Certification** (denial) should be issued. A proposed Order of Certification should be issued for the following reason(s): *Construction completed after C-Date.*
Amended time table and completion date submitted

Processing

☐ Stamp PROPOSED or Assign CERT# _____ or ORDER OF CERTIFICATION (circle one)

☐ Draft Certificates or Proposed Order of Certifications are available in the Application directory.

☐ Prepare Mailing List. Include Applicant(s); Receiving Landowner(s); Current Owner(s); Water Organizations; CWRE. Indicate records to be marked.

☐ Record marking:	App _____	Permit _____	Cert _____
	App _____	Permit _____	Cert _____
	App _____	Permit _____	Cert _____
	App _____	Permit _____	Cert _____

NOTES:

Claim submitted = 10.23.15. I spoke to Gerry about this, and he said OK to process claim w/ other Transfers and Groundwater file since all same owner and Don is retired.

Place of use for remaining portion of IR (50¹⁵ Ac) was not mapped. Only 53¹⁴ Ac. Ad to nursery use was mapped. A new map and Poll table submitted on 10.31.16.

Oregon Water Resources Department
Water Rights Mapping Tool[Main](#) [Help](#)
[Return](#) [Contact Us](#)

OWRD Only

725 Summer St NE, Sal

Search

Identify Non-Water Right Features

Tax Lots

Identify Tax Lots

[OR Map](#)

- ☐ Off
☒ On

County: Marion
Taxlot: 041W29 00300
Owner1: DEARMOND FAMILY LLC
Owner2:
Owner Address: 11463 BROADACRES RD NE HUBBARD OR 97101
Site Address:
Acres: 64.2
TRSQQ: WM4.00S1.00W29XXXX
Effective Date: January 1, 2014

Note: Tax lot information provided here is for general query purposes. It may be out of date or may not be an official record. Please contact the respective county tax office for more current and specific information.

It is recommended to zoom to a detailed extent before query.

Tools

Layers

Bookmarks



04 1W 30

SEE MAP
042W24

04 1W 30



MARION COUNTY, OREGON
 SEC 30 T4S R1W W.M.
 SCALE 1" = 400'

LEGEND

LINE TYPES

Taxlot Boundary	Historical Boundary
Road Right-of-Way	Easement
Railroad Right-of-Way	Railroad Centerline
Private Road ROW	Taxcode Line
Subdivision/Plot Bndry	Map Boundary
Waterline - Taxlot Bndry	Waterline - Non Bndry

SYMBOL TYPES

Survey Monument	+ 1/16TH Section Cor.
Road Station	1/4 Section Cor.
DLC Corner	16, 15 21 22 Section Corner

NUMBERS

Tax Code Number
000 00 00 0

Acresage 0.29 AC All acres listed are Net Acres, excluding any portions of the taxlot within public ROWs.

NOTES

Tick Marks: If a tick mark is indicated on the end of a line, then the dimension goes to the tick mark. This is used when dimensions extend into public right-of-ways.

CANCELLED NUMBERS

300	
400	

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY

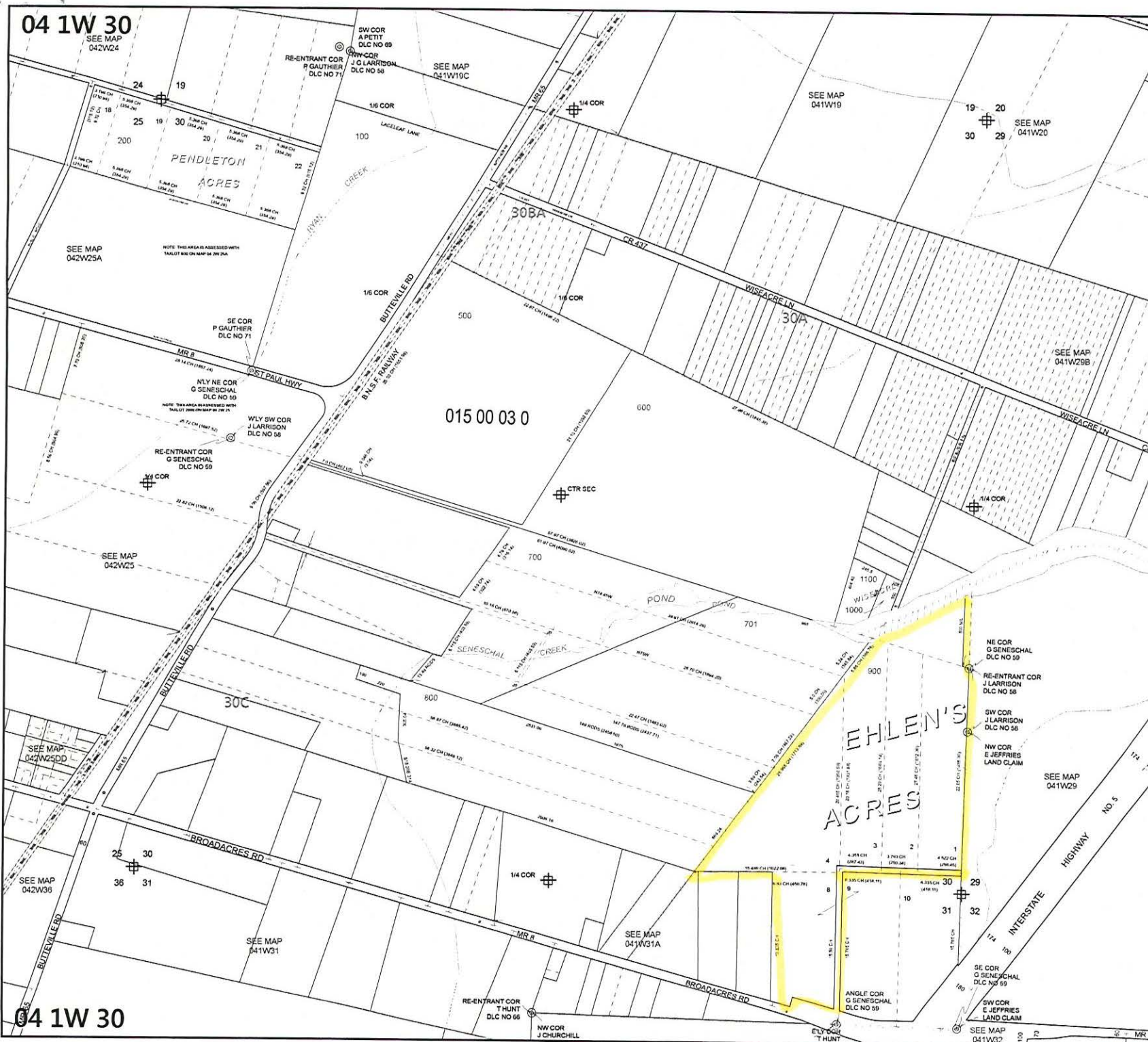


Assessors Office
Cartography Dept.

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.marion.or.us

PLOT DATE: 7/5/2016

04 1W 30



Marion County Assessor's Property Records Property Summary

Property Identification

Account No.:	██████████	Manufactured Home ID:	
Situs Address:	10333 BROADACRES RD NE HUBBARD, OR 97032	Legal Description:	EHLENS ACRES, LOT 1-4 & FR 8-10, ACRES 76.72
Map Tax Lot:	041W30 00900		

Owner Information

Owner:	OWRE, LYNN (LE) C/O DEARMOND FAMILY LLC 11463 BROADACRES RD NE HUBBARD, OR 97032
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Property Details

Year Built:	1936	Property Code:	A93S
Living Area:	1850	Property Class:	551
Bedrooms:	1	Levy Code Area:	01500030
Bathrooms:	1	Zoning:	Contact Local Jurisdiction
Legal Acreage:	76.72	Apex Sketches:	1 2

Value Information

RMV Land Market:	\$0
RMV Land Spec. Assess.:	\$835,220
RMV Structures:	\$145,370
RMV Total:	\$980,590

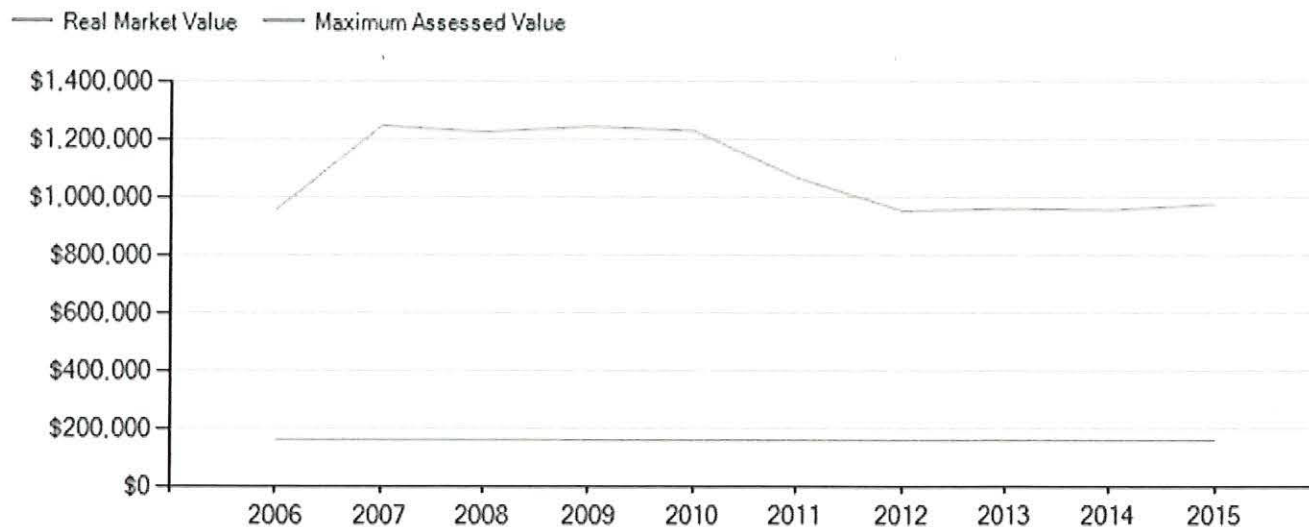
SAV:	\$199,160
Exception RMV:	\$0
Exemption RMV:	\$0
M5 Taxable:	\$344,530

Exemption Description: None

MAV:	\$162,710
MSAV:	\$105,140

AV:	\$250,510
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Graph shows tax roll Real Market Value and Maximum Assessed Value of this property for past 10 years.
For a detailed explanation, please see definition of Assessed Value above (hover over the "i").



Tax Information

Taxes Levied 2015-16:	\$2,760.35	Tax Payoff Amount:	\$0.00
Tax Rate:	11.0189	Tax Statement:	2015-16 Tax Statement

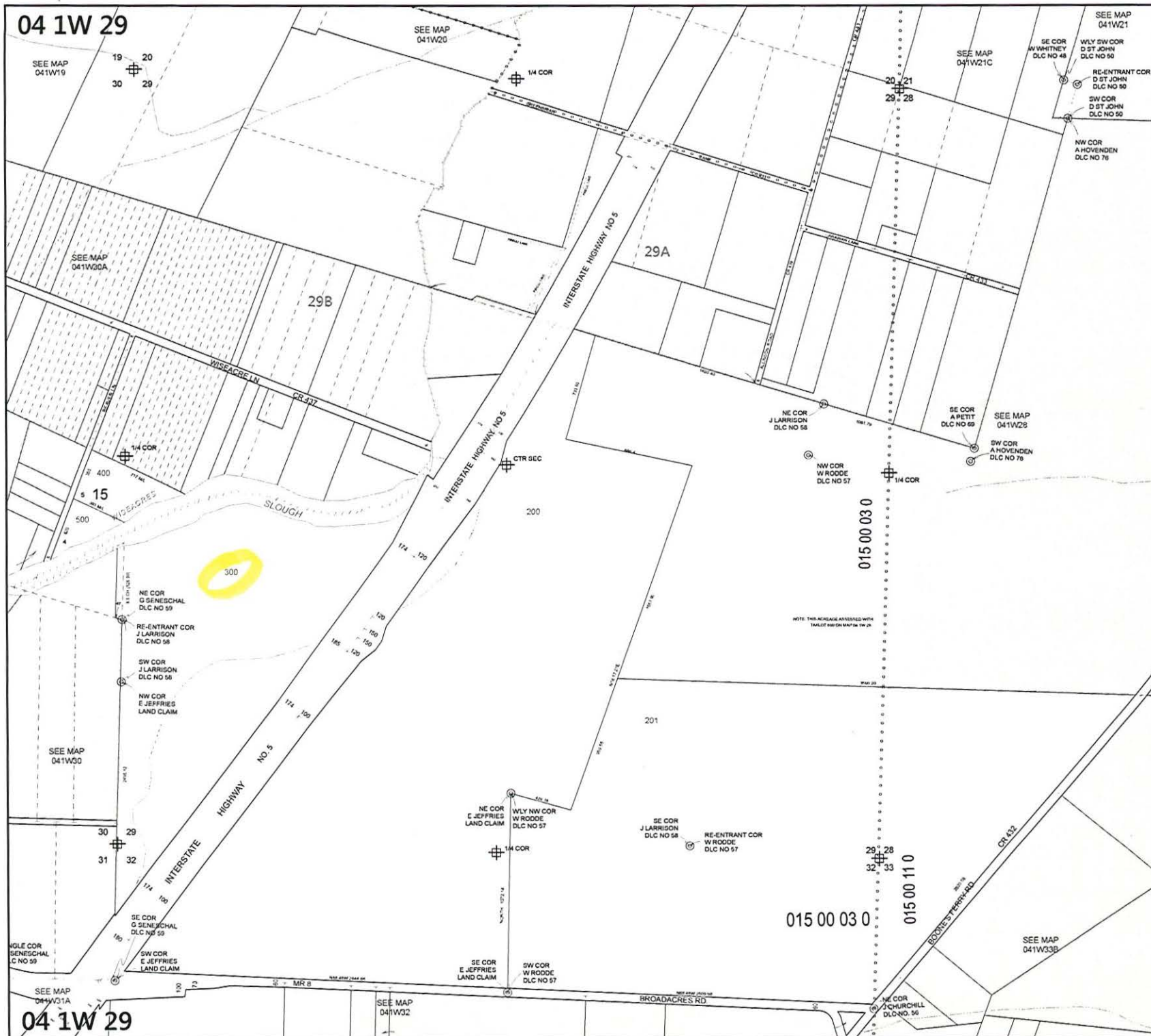
Sales Information

Sales Date:	1/24/2005	Deed Number:	24310281
Sales Price:	\$1,200,000	Deed Type:	WD
Sale Type:	35	Property IDs Included in Sale:	R47440

Sales Date:	6/21/1988	Deed Number:	06260438
Sales Price:	\$0	Deed Type:	DE
Sale Type:	10	Property IDs Included in Sale:	R47440 R86876

04 1W 29

04 1W 29



MARION COUNTY, OREGON SEC 29 T4S R1W W.M. SCALE 1" = 400'

LEGEND

LINE TYPES

Taxlot Boundary	Historical Boundary
Road Right-of-Way	Easement
Railroad Right-of-Way	Railroad Centerline
Private Road ROW	Taxcode Line
Subdivision/Plat Bndry	Map Boundary
Waterline - Taxlot Bndry	Waterline - Non Bndry

SYMBOL TYPES

Survey Monument	1/16TH Section Cor.
Road Station	1/4 Section Cor.
DLC Corner	Section Corner

NUMBERS

Tax Code Number

000 00 00 0

Acreage

0.25 AC

All acres listed are Net Acres, excluding any portions of the taxlot within public ROWs

NOTES

Tick Marks: If a tick mark is indicated on the end of a line, then the dimension goes to the tick mark. This is used when dimensions extend into public right-of-ways.



CANCELLED NUMBERS

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY



Assessors Office
Cartography Dept

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.marion.or.us

PLOT DATE: 7/5/2016

04 1W 29

Marion County Assessor's Property Records

Property Summary

Property Identification

Account No.:	██████████	Manufactured Home ID:	
Situs Address:		Legal Description:	ACRES 64.24
Map Tax Lot:	041W29 00300		

Owner Information

Owner:	DEARMOND FAMILY LLC 11463 BROADACRES RD NE HUBBARD, OR 97032
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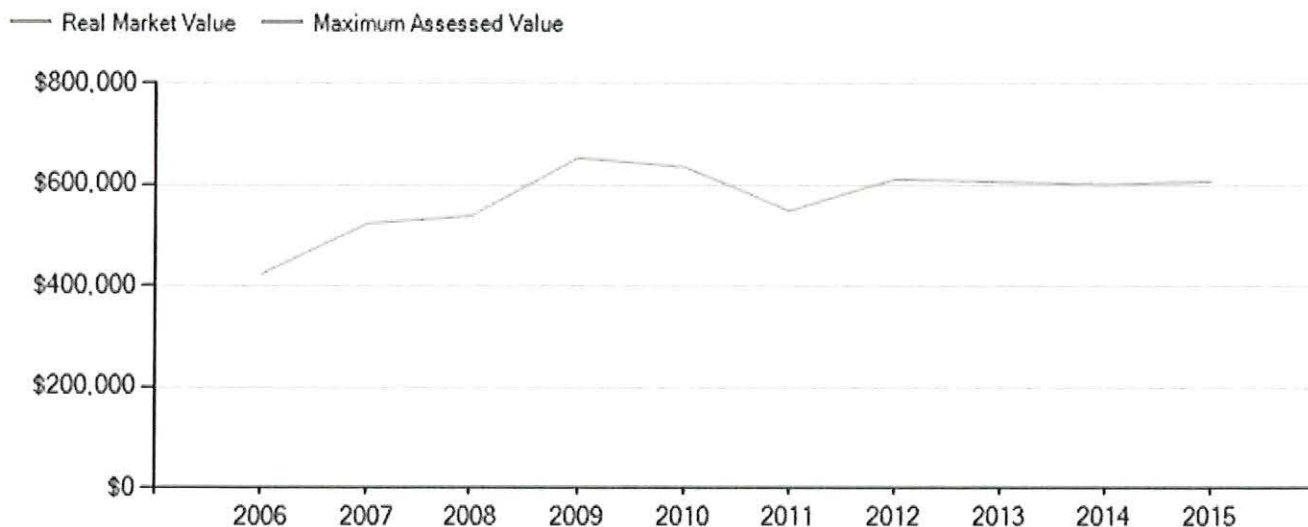
Property Details

Year Built:		Property Code:	A90
Living Area:		Property Class:	551
Bedrooms:		Levy Code Area:	01500030
Bathrooms:		Zoning:	Contact Local Jurisdiction
Legal Acreage:	64.24	Apex Sketches:	None Available

Value Information

RMV Land Market:	\$0		
RMV Land Spec. Assess.:	\$607,860		
RMV Structures:	\$0		
RMV Total:	\$607,860		
SAV:	\$145,750		
Exception RMV:	\$0		
Exemption RMV:	\$0	Exemption Description:	None
M5 Taxable:	\$145,750		
MAV:	\$0		
MSAV:	\$74,280		
AV:	\$74,280		

Graph shows tax roll Real Market Value and Maximum Assessed Value of this property for past 10 years. For a detailed explanation, please see definition of Assessed Value above (hover over the "i").



Tax Information

Taxes Levied 2015-16:	\$818.47	Tax Payoff Amount:	\$0.00
Tax Rate:	11.0189	Tax Statement:	2015-16 Tax Statement

Sales Information

Sales Date:	1/24/2005	Deed Number:	24310281
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Sales Price:	\$1,200,000	Deed Type:	WD
Sale Type:	27	Property IDs Included in Sale:	R11414 R47443 R47442 R47441

Search Criteria **NCR**Meridian: **Willamette** ▼Township: **4** **South** ▼Range: **1** **West** ▼Section: **29** ▼Records per Page: **999****Search**
Platcards Maps!
[Learn about](#) * [View Map](#)

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	Q(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unkown QQ
Select Inchoate: T 10414 CF (REG) WD Additional Info: JB INSTANT LAWN App: G12473 Permit: G12113		4/4/1991	IRRIGATION	WD	1						-(3.6)-													
Select Inchoate: T 10414 CF (REG) WD Additional Info: JB INSTANT LAWN App: G12473 Permit: G12113		4/4/1991	IRRIGATION	WD	69				-(0.3)-	-(6.4)-														
Select Inchoate: T 10414 CF (REG) WD Additional Info: JB INSTANT LAWN App: G4460 Permit: G4203		6/24/1968	IRRIGATION	WD	57						-(0.9)-										-(24)-			-(4.2)-
Select Inchoate: T 10414 CF (REG) WD Additional Info: JB INSTANT LAWN App: G4460 Permit: G4203		6/24/1968	IRRIGATION	WD	58					-(13.6)-	-(9.3)-										-(16)-	-(8.6)-	-(2.2)-	-(1.4)-
Select App: P 77517 * Additional Info: ROBERT L GIBSON App: P77517		1/3/1995	LIVESTOCK																					
NCR Select App: P 77571 * Additional Info: GOLDIE GIBSON App: P77571		1/3/1995	LIVESTOCK																					
Select Claim:GR 1352 * Additional Info: GEORGE H MCNEAL Claim: GR1352		10/31/1952	IRRIGATION				5																	
Select Claim:GR 3863 * Additional Info: R C LENHARDT Claim: GR3863		7/12/1951	IRRIGATION									3.16	1.5											
NCR Select Cert:22655 OR * Additional Info: O C LESTER JR App: S24089		T12309 9/8/1949	IRRIGATION		58									8.6			2.4							

Water Right Platcard Report

[illegible]

Water Right Platcard Report

[illegible]

Select	Cert:82924 CF *	T10414	6/24/1968	IRRIGATION	58			13.6	9.3							16	8.6	2.2	1.4	
	Additional Info: PAUL JENSON App: G4460 Permit: G4203 Cert: 82924																			
Select	Cert:83240 OR *	T10414	4/4/1991	IRRIGATION	1				3.6											
	Additional Info: PAUL JENSEN App: G12473 Permit: G12113 Cert: 83240																			
Select	Cert:83240 OR *	T10414	4/4/1991	IRRIGATION	69		0.3	6.4												
	Additional Info: PAUL JENSEN App: G12473 Permit: G12113 Cert: 83240																			
Select	Inchoate: T 10533 CF (REG) *		10/5/1970	NURSERY USES									(2.3)	(11.9)						
	Additional Info: DONALD KNAUER App: G5331 Permit: G5281																			
Select	Inchoate: T 10535 CF (REG) *			NURSERY USES	3										(6.2)					
	Additional Info: DONALD KNAUER App: G12423 Permit: G12536																			
Select	Inchoate: T 10535 CF (REG) *			NURSERY USES	58								(2.3)	(23.1)	(6.9)					
	Additional Info: DONALD KNAUER App: G12423 Permit: G12536																			
Select	Inchoate: T 10535 CF (REG) *			NURSERY USES	59								(0.3)	(0.7)						
	Additional Info: DONALD KNAUER App: G12423 Permit: G12536																			
Select	Inchoate: T 10535 CF (REG) *			IRRIGATION	3										(5.4)					
	Additional Info: DONALD KNAUER App: G12423 Permit: G12536																			
Select	Inchoate: T 10535 CF (REG) *			IRRIGATION	59										(0.8)					
	Additional Info: DONALD KNAUER App: G12423 Permit: G12536																			
Select	Cert:84199 OR *		10/29/1990	IRRIGATION				7									6			
	Additional Info: THOMAS DEARMOND App: G12275 Permit: G11355 Cert: 84199																			
Select	Cert:85761 CF *		5/23/1972	IRRIGATION	2											16.2		1.2		

Water Right Platcard Report

[illegible]

[illegible]

http://apps.wrd.state.or.us/apps/wr/wrinfo/wr_platcard.aspx?ddl_meridian=0&tb_township=4&ddl_township_char=0&tb_range=1&ddl... 7/29/2016

App: G14329 Permit: G13143 Cert: 87468																			
<u>Select</u> Cert:88407 OR CN T11657 1/23/2006 NURSERY USES CN 3 Additional Info: THOMAS DEARMOND App: G16608 Permit: G16181 Cert: 88407																			
<u>Select</u> Cert:88407 OR CN T11657 1/23/2006 NURSERY USES CN 58 Additional Info: THOMAS DEARMOND App: G16608 Permit: G16181 Cert: 88407																			
<u>Select</u> Cert:88407 OR CN T11657 1/23/2006 NURSERY USES CN 59 Additional Info: THOMAS DEARMOND App: G16608 Permit: G16181 Cert: 88407																			

Acreage Legend: 12.25 Regular acreage -12.25- Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) [12.25] Acreage has been suspended * Acreage is not specified

Search Criteria **NCR**Meridian: Township: Range: Section: Records per Page:
[Platcards Maps!](#)
[Learn about](#) [View Map](#)

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	Q(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unkown QQ
Select Claim:GR 626 *		5/14/1949	IRRIGATION									5	1											
Additional Info: NURSERY HOLDINGS LLC Claim: GR626																								
Select Claim:GR 1112 *		12/27/1946	IRRIGATION														10							
Additional Info: ELGIN & ESTHER LUCAS Claim: GR1112																								
Select Claim:GR 3863 *		7/12/1951	IRRIGATION					8.59			3.75													
Additional Info: R C LENHARDT Claim: GR3863																								
Select Cert:22655 OR *		T12309	9/8/1949	IRRIGATION		58					0.4									2				
Additional Info: O C LESTER JR App: S24089 Permit: S18969 Cert: 22655																								
Select Cert:38367 OR *		11/14/1968	IRRIGATION			59											8.6							
Additional Info: A. & M.C. PALACIOS App: G4682 Permit: G4407 Cert: 38367																								
Select Cert:56530 OR *		1/28/1976	IRRIGATION			58						3.5												
Additional Info: NORBERT H. GILLES App: G7242 Permit: G6647 Cert: 56530																								
Select Cert:57213 OR *		5/12/1975	IRRIGATION			59							0.6			3.5								
Additional Info: A. & M.C. PALACIOS App: G6942 Permit: G6457 Cert: 57213																								
Select Cert:63712 OR *		1/4/1983	IRRIGATION			58				23.3	8.6				1.6	2.7				5.7	11.4			
Additional Info: ERWIN NYQUIST App: G10861																								

Water Right Platcard Report

[illegible]

http://apps.wrd.state.or.us/apps/wr/wrinfo/wr_platcard.aspx?ddl_meridian=0&tb_township=4&ddl_township_char=0&tb_range=1&ddl... 7/27/2016

Water Right Platcard Report

[illegible]

THOMAS DEARMOND App: G12423 Permit: G12536 Cert: 83086																				
Select	Cert:87468 OR CN	T11422	6/12/1996	IRRIGATION	CN	58	-9.3-			-5.2-										
Additional Info: KEVIN CROSBY App: G14329 Permit: G13143 Cert: 87468																				
Select	Cert:87468 OR CN	T11422	6/12/1996	IRRIGATION	CN	69	-8.8-													
Additional Info: KEVIN CROSBY App: G14329 Permit: G13143 Cert: 87468																				
Select	Cert:88407 OR CN	T11657	1/23/2006	NURSERY USES	CN	58											-1.4-			
Additional Info: THOMAS DEARMOND App: G16608 Permit: G16181 Cert: 88407																				
Select	Cert:88407 OR CN	T11657	1/23/2006	NURSERY USES	CN	59											-4-	-4.6-	-35.5-	
Additional Info: THOMAS DEARMOND App: G16608 Permit: G16181 Cert: 88407																				

Acreage Legend: 12.25 Regular acreage -42.25- Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate) [12.25] Acreage has been suspended * Acreage is not specified



Pump Capacity Calculator

using Department designed formula:

OWRE WELL #1

$(hp)(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP = 25 ✓
Efficiency = 7.04 ✓
Lift = 74 ✓
PSI = 50 ✓

Results Calculated

$(hp)(\text{efficiency}) = 176$
Head based on psi = 127.0
Total dynamic head = 201.0
(head + lift)

✓
Pump Capacity = 0.876 cubic feet per second
CBU = 0.88 CFS

Pump Capacity Calculator

using Department designed formula:

OWRE WELL #2

$(hp)(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP = 50 ✓
Efficiency = 7.04 ✓
Lift = 86 ✓
PSI = 50 ✓

Results Calculated

$(hp)(\text{efficiency}) = 352$
Head based on psi = 127.0
Total dynamic head = 213.0
(head + lift)

Pump Capacity = 1.652 cubic feet per second ✓
CBU = 1.65 CFS

Pump Capacity Calculator

using Department designed formula:

OWRE WELL #3

$(hp)(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

Data Entry (fill in underlined blanks)

HP = 125 ✓
Efficiency = 7.04 ✓
Lift = 144 ✓
PSI = 60 ✓

Results Calculated

$(hp)(\text{efficiency}) = 880$
Head based on psi = 152.4
Total dynamic head = 296.4
(head + lift)

Pump Capacity = 2.969 cubic feet per second ✓
CBU = 2.97

Sprinkler Capacity Calculator

OWRE WELL #1

Data Entry (fill in underlined blanks)

Sprinkler group 1 Nozzle size = 11/64 inch ✓ (type an apostrophe before the size)
 Pressure = 50 PSI ✓
 Number of heads = 65 ✓

Sprinkler group 2 Nozzle size = 5/32 inch ✓ (type an apostrophe before the size)
(if applicable) Pressure = 50 PSI ✓
 Number of heads = 80 ✓

Sprinkler group 3 Nozzle size = _____ inch (type an apostrophe before the size)
(if applicable) Pressure = _____ PSI
 Number of heads = _____

Results calculated

Sprinkler group 1 capacity = 390 gpm, or 0.869 cfs
Sprinkler group 2 capacity = 400 gpm, or 0.891 cfs
Sprinkler group 3 capacity = 0 gpm, or 0.000 cfs

Total sprinkler capacity = 790 gpm, or 1.760 cfs

Note: If entered values return a result of 0 gpm or "#N/A", then the sprinkler capacity chart does not contain a rate for that nozzle size and PSI.

A rough alternate calculation can be made using this formula:

$28.93 \times (\text{orifice size in decimal, squared}) \times (\text{square root of pressure})$

(Source: rainbird.com)

Rainbird Nozzle Size Reference

<u>Nozzle #</u>	<u>Size (in)</u>
4	1/16
5	5/64
6	3/32
7	7/64
8	1/8
9	9/64
10	5/32
11	11/64
12	3/16
13	13/64
14	7/32
15	15/64
16	1/4
17	17/64
18	9/32
20	5/16
22	11/32
24	3/8
26	13/32
28	7/16
30	15/32
32	1/2
34	17/32
36	9/16
40	5/8
44	11/16

Sprinkler Capacity Calculator

OWRE WELL #2

Data Entry (fill in underlined blanks)

Sprinkler group 1 Nozzle size = 1 1/64 inch ✓ (type an apostrophe before the size)
 Pressure = 50 PSI ✓
 Number of heads = 120 ✓

Sprinkler group 2 Nozzle size = 5/32 inch ✓ (type an apostrophe before the size)
(if applicable) Pressure = 50 PSI ✓
 Number of heads = 150 ✓

Sprinkler group 3 Nozzle size = _____ inch (type an apostrophe before the size)
(if applicable) Pressure = _____ PSI
 Number of heads = _____

Results calculated

Sprinkler group 1 capacity = 720 gpm, or 1.604 cfs
Sprinkler group 2 capacity = 750 gpm, or 1.671 cfs
Sprinkler group 3 capacity = 0 gpm, or 0.000 cfs

Total sprinkler capacity = 1470 gpm, or 3.275 cfs

Note: If entered values return a result of 0 gpm or "#N/A", then the sprinkler capacity chart does not contain a rate for that nozzle size and PSI.

A rough alternate calculation can be made using this formula:

$28.93 \times (\text{orifice size in decimal, squared}) \times (\text{square root of pressure})$

(Source: rainbird.com)

Rainbird Nozzle Size Reference

<u>Nozzle #</u>	<u>Size (in)</u>
4	1/16
5	5/64
6	3/32
7	7/64
8	1/8
9	9/64
10	5/32
11	11/64
12	3/16
13	13/64
14	7/32
15	15/64
16	1/4
17	17/64
18	9/32
20	5/16
22	11/32
24	3/8
26	13/32
28	7/16
30	15/32
32	1/2
34	17/32
36	9/16
40	5/8
44	11/16

Sprinkler Capacity Calculator

OWRE WELL #3

Data Entry (fill in underlined blanks)

Sprinkler group 1 Nozzle size = 11/64 inch ✓ (type an apostrophe before the size)
 Pressure = 60 PSI ✓
 Number of heads = 220 ✓

Sprinkler group 2 Nozzle size = 5/32 inch ✓ (type an apostrophe before the size)
(if applicable) Pressure = 60 PSI ✓
 Number of heads = 270 ✓

Sprinkler group 3 Nozzle size = _____ inch (type an apostrophe before the size)
(if applicable) Pressure = _____ PSI
 Number of heads = _____

Results calculated

Sprinkler group 1 capacity =	1452 gpm, or	3.235 cfs	CBU = 2.94 CFS
Sprinkler group 2 capacity =	0 gpm, or	0.000 cfs	CBU = 3.09 CFS
Sprinkler group 3 capacity =	0 gpm, or	0.000 cfs	

Total sprinkler capacity =	1452 gpm, or	3.235 cfs
-----------------------------------	---------------------	------------------

Note: If entered values return a result of 0 gpm or "#N/A", then the sprinkler capacity chart does not contain a rate for that nozzle size and PSI.

A rough alternate calculation can be made using this formula:

$28.93 \times (\text{orifice size in decimal, squared}) \times (\text{square root of pressure})$

(Source: rainbird.com)

$$(28.93)(0.15625)^2(\sqrt{60}) = (5.47 \text{ GPM/SPRINKLER})(270) = 14.77.16 \text{ GPM} = 3.29 \text{ CFS}$$

Rainbird Nozzle Size Reference

<u>Nozzle #</u>	<u>Size (in)</u>
4	1/16
5	5/64
6	3/32
7	7/64
8	1/8
9	9/64
10	5/32
11	11/64
12	3/16
13	13/64
14	7/32
15	15/64
16	1/4
17	17/64
18	9/32
20	5/16
22	11/32
24	3/8
26	13/32
28	7/16
30	15/32
32	1/2
34	17/32
36	9/16
40	5/8
44	11/16

DON KNAUER / Water Right Consultation
PO Box 5416 Salem OR 97304 phone: 503-508-7862

October 31, 2016

Jessica Joye. Certificates
Oregon Water Resources Dept.
725 Summer Street NE Suite A
Salem Oregon 97301-1271

Re: T-10535 Tom DeArmond

Greetings,

I am submitting a the final proof map on which I have added the irrigation area of use as perfected under certificate 83086 as you are requiring.

I am submitting a data sheet as an addition to the COBU I filed at OWRD June 23, 2015. This data was available in my file as well as in OWRD files at the time of my preparation of the COBU.

I have not performed any activity requiring a certification as a Water Right Examiner for this file since that time. I am asking you to add data to the COBU which I gathered prior to June 2015.

There was no intent to change any aspect of the irrigation place of use that I added to the map under the original perfected water right. The intent was to simply add the new well as a point of appropriation to the existing perfected water right and change a portion of the place of use to nursery use. The order allowed the additional point of appropriation to be added and the change to nursery use.

I believe it is unreasonable and questionable for the OWRD to require final proof on a perfected water right.

Regards,



Don Knauer

C: Tom DeArmond

RECEIVED
OCT 31 2016
OWRD

DON KNAUER / Water Right Consultation
PO Box 5416 Salem OR 97304 phone: 503-508-7862

September 23, 2016

Dwight French, Water Right Services Division Administrator
Oregon Water Resources Department
725 Summer Street NE Suite A
Salem Oregon 97301-1271

Re: file T-10535 in the name of Thomas DeArmond

Greetings,

I have been asked to respond to the proposed final order sent to Mr. DeArmond August 18, 2016. Please consider this letter a request for the Department to reconsider the contents of the proposed order.

The findings of fact state that my claim of beneficial use reported the changes and beneficial use were completed in the year 2011. My notes show that I reported an incorrect year. The correct year is 2010. I can visit your office to correct the year on the form if that is necessary.

I intend to contact your COBU reviewer and discuss the required mapping data. I ask that I be allowed 90 days following that discussion to remedy the claim map.

Please call me if you have any questions or I need to respond in a different manner. Thank you.

Regards,



Don Knauer

C: Tom DeArmond

RECEIVED
SEP 23 2016
OWRD

Mailing List for Proposed Order of Certification

Scheduled Mailing Date:

Transfer Application: T-10535

Transfer Holder:

THOMAS H DEARMOND
11463 BROADACRES RD NE
HUBBARD OR 97032

Copies Mailed

by:

Connie Vance
(STAFF)

on: AUG 18 2016

(DATE)

Copies of Order to be sent to:

1. Watermaster (Proposed Order): # 16
- ~~2. Data Center (include copy of map)~~
- ~~3. Water Availability~~
- ~~4. Vault~~
5. File

Other persons to receive copies: (include map):

7014 1200 0000 0520 6039

U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
Sent To <i>T-10535 DeArmond</i>	
Street, Apt. No., or PO Box No.	
City, State, ZIP+4	
PS Form 3800, August 2006	
See Reverse for Instructions	

Postmark Here



Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Certified #9590940212805246754556

Date Mailed: AUG 18 2016

NOTICE

Reference: Transfer Application T-10535

Enclosed is a proposed order of certification. The order proposes to cancel Transfer Application T-10535.

If circumstances allow you to overcome this proposed order of certification, please be aware that the portion of acreage for irrigation use, in which you proposed to add an additional point of appropriation, was not mapped or reported in the Claim. Therefore, if a confirming certificate was to be issued the portion of 50.15 acres for irrigation would not be included.

If you do not agree with the proposed order, Oregon Administrative Rule 690-330-010(2) allows the permittee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed order.

If you agree with the proposed order no response to this notice is required. Sometime after the 60 day period, the recorded order will be mailed to the permittee.

If you have any questions please contact Gerry Clark at 503-986-0811.

Sincerely,

Dwight French
Water Right Services Division Administrator

COPY

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

Order of Certification in the Matter of)
Cancellation of Transfer Application)
T-10535)

FINAL ORDER

PROPOSED

Findings of Fact

1. Transfer application T-10535, in the name of Thomas H. Dearmond, was received February 12, 2008. Transfer Final Order T-10535 was approved on February 10, 2009. The complete application of water to beneficial use date (C-Date) was set for October 1, 2010.
2. Transfer Final Order T-10535 approved the change in character of use and an additional point of appropriation.
3. The Department received a Claim of Beneficial Use (Claim) map and report on June 23, 2015.
4. The Transfer Final Order contained the below listed condition that was not complied with:

The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2010**.

5. In reviewing the Claim Report, it was found that the C-Date was noted as being completed in the Summer of 2011. This was the date stated in the Claim report when all construction work was completed and water was applied to beneficial use.
6. The approved changes and full beneficial use of water were **not** completed within the period of time from when the Transfer Final Order was issued (February 10, 2009) to the C-Date (October 1, 2010).

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

PROPOSED

Conclusions of Law

Satisfactory proof of beneficial use was not received. The use allowed by Transfer Final Order T-10535 is lost. The order should be cancelled.

Under the provisions of OAR 690-320-0020, when it appears from an onsite examination by the Water Resources Department that no appropriation has been made under the terms of the permit, or that use once made has undergone a period of five successive years of nonuse, a certified letter of intent to cancel the permit shall be sent to the permittee, allowing 60 days from the date of the letter for response. Failure to respond during the 60-day period shall result in cancellation of the permit.

Now, therefore, it is ORDERED:

Transfer Final Order T-10535 is cancelled and is of no further force or effect.

Issued _____.

Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

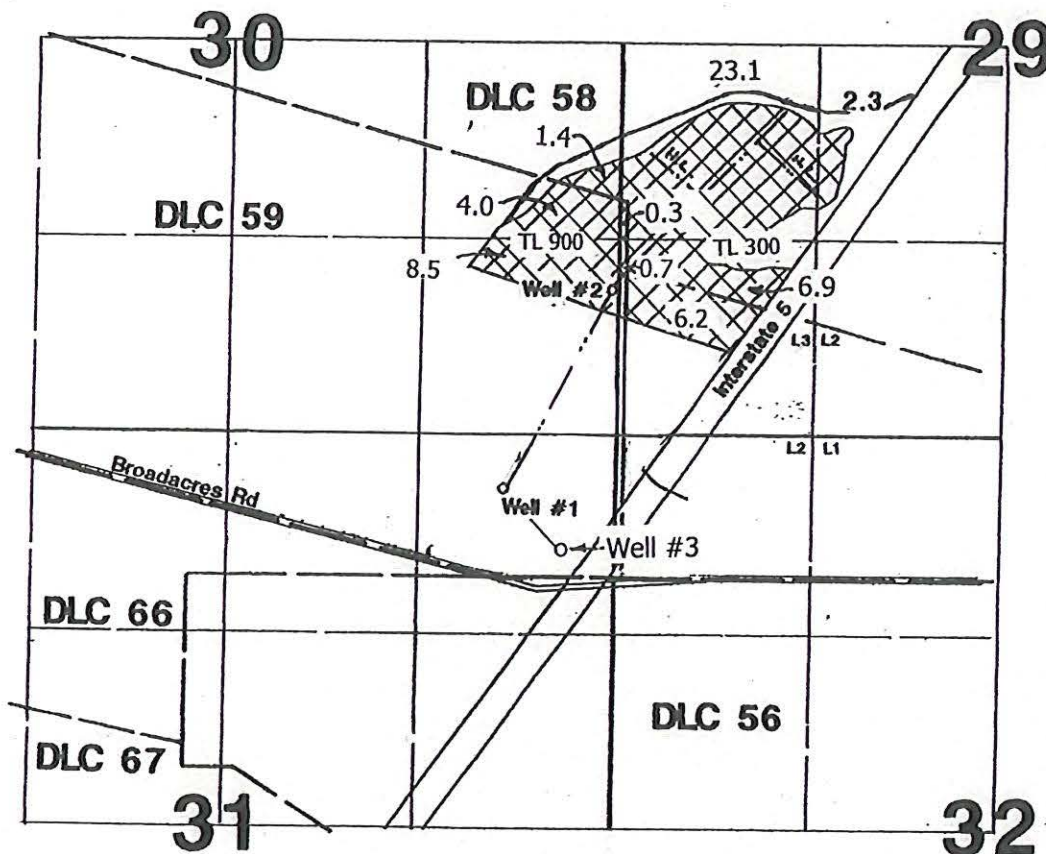
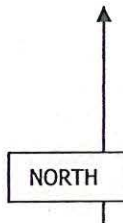
FINAL PROOF MAP IN THE NAME OF
THOMAS H. DeARMOND

COPY

T 4 S, R 1 W, W.M. Section 29 & 30

Section line ———
1/4 1/4 line ———
DLC line ———
Pipe line ———
Tax Lot line ———

T-10535



Each well has a meter at the well head.

RECEIVED

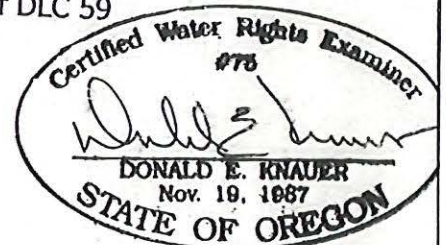
JUN 28 2005

WATER RIGHTS DEPT
STATE OF OREGON

OWRE Well #1: 607' N & 812' W from the SE corner of DLC 59
OWRE Well #2: 1000' N & 50' W from the SE corner of section 30
OWRE Well #3: 220' N & 400' W from the SE corner of DLC 59

Scale 1" = 1320'

This map is not intended to provide dimensions
or locations of property ownership lines.



Checklist for Claims of Beneficial Use Received At Customer Service Counter

Date Received 23-June-15 CWRE Don Knauer

By Jeffrey

File Marked yes

Application # _____ \$175.00 Fee

Claim Logged yes

Transfer # T-10535 \$175.00 Fee if priority date is after July 9, 1987.

Map Review:

- ☒ Map on polyester film (OAR 690-014-0170(1) & 310-0050(1)(b))
- ☒ Application & permit #: or transfer # (OAR 690-014-0100(1))
- ☒ Disclaimer (OAR 690-014-0170(5))
- ☒ North arrow (OAR 690-310-0050(2)(c))
- ☒ CWRE stamp and signature (OAR 690-014 & 310-0050)
- ☒ Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map) (014 & 310)
- ☒ Township, range, section, and tax lot numbers (OAR 690-310-0050(4))

Report Review:

- ☒ On form or format provided by the Department (OAR 690-014-0100(1))
- ☒ Application & permit #: or transfer # (OAR 690-014)
- ☒ Ownership information (OAR 690-014)
- ☒ Date of survey (OAR 690-014)
- ☒ Person interviewed (OAR 690-014)
- ☒ County (OAR 690-014)
- ☒ CWRE stamp and signature (OAR 690-014-0100)
- ☒ Signature(s) of permittee or transfer holder (OAR 690-014-0100)

**CLAIM OF
BENEFICIAL USE
for Permits claiming more
than 0.1 cfs and All Transfers**



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

**A fee of \$175 must accompany this form for any Transfer final orders
including a water right with a priority date of July 9, 1987, or later.**

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**SECTION 1
GENERAL INFORMATION**

1. File Information

**WATER RESOURCES DEPT
SALEM, OREGON**

APPLICATION # (G, R, S or T) T-10535	PERMIT # (IF APPLICABLE)	PERMIT AMENDMENT # (IF APPLICABLE)
--	--------------------------	------------------------------------

2. Property Owner (current owner information)

APPLICANT/BUSINESS NAME Thomas H. DeArmond		PHONE NO. 503-981-0319	ADDITIONAL CONTACT NO.
ADDRESS 11463 Broadacres Road NE			
CITY Hubbard	STATE OREGON	ZIP 97032	E-MAIL

If the current property owner is not the permit or transfer holder of record, it is recommended that an assignment be filed with the Department. ***Each permit or transfer holder of record must sign this form.***

3. Permit or transfer holder of record (this may, or may not, be the current property owner)

PERMIT OR TRANSFER HOLDER OF RECORD same		
ADDRESS		
CITY	STATE	ZIP

4. Date of Site Inspection: **3/12/2008 & 3/10/2015**

5. Person(s) interviewed and description of their association with the project:

NAME	DATE	ASSOCIATION WITH THE PROJECT
Thomas H. DeArmond	3/12/2008	owner
Ray DouBrava	3/10/2015	manager

6. County: **Marion**

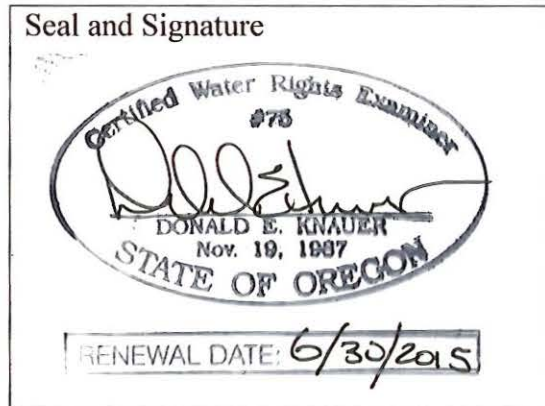
7. If any property described in the place of use of the permit or transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(4)):

SECTION 2

SIGNATURES

CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



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CWRE NAME Don Knauer		PHONE NO. 503-585-8474	ADDITIONAL CONTACT NO.
ADDRESS PO Box 5416			
CITY Salem	STATE OREGON	ZIP 97304	E-MAIL

Permit or Transfer Holder's of Record Signature or Acknowledgement

***Each** permit or transfer holder of record must sign this form in the space provided below.*

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

SIGNATURE	PRINT OR TYPE NAME	TITLE	DATE
<i>Thomas H. DeArmond</i>	Thomas H. DeArmond	Owner	6/18/15

SECTION 3

CLAIM DESCRIPTION

1. Point of diversion/appropriation name or number:

POINT OF DIVERSION/APPROPRIATION (POD/POA) NAME OR NUMBER (CORRESPOND TO MAP)	WELL LOG ID # FOR ALL WORK PERFORMED ON THE WELL (IF APPLICABLE)	WELL TAG # (IF APPLICABLE)
OWRE Well #1		
OWRE Well #2		
OWRE Well #3		

Attach each well log available for the well (include the log for the original well and any subsequent alterations, reconstructions, or deepenings)

2. Point of diversion/appropriation source and, if from surface water, the tributary:

POD/POA NAME OR NUMBER	SOURCE	TRIBUTARY
OWRE Well #1	Well in the Seneschal Basin	Pudding River
OWRE Well #2	Well in the Seneschal Basin	Pudding River
OWRE Well #3	Well in the Seneschal Basin	Pudding River

3. Developed use(s), period of use, and rate for each use:

POD/POA NAME OR NUMBER	USES	IF IRRIGATION, LIST CROP TYPE	SEASON OR MONTHS WHEN WATER WAS USED	ACTUAL RATE OR VOLUME USED (CFS, GPM, OR AF)
#1, #2, #3	irrigation	Grass seed, row crops, nursery stock	March 1 – Oct. 31	5.5
Total Quantity of Water Used				5.5 cfs

4. Provide a general narrative description of the distribution works. This description must trace the water system from each point of diversion or appropriation to the place of use:

The three wells are piped together with an 8" mail line buried pipe. Any or all of the three pumps deliver water to the system at any time. There are wheel lines and hand lines used with sprinklers to beneficially irrigate the fields.

Reminder: The map associated with this claim must identify the location of the point(s) of diversion, Donation Land Claims (DLC), Government Lots (GLot), and Quarter-Quarters (QQ).

5. Variations:

Was the use developed differently from what was authorized by the permit,

NO

6. Claim Summary:

POD / POA NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED	USE	# OF ACRES ALLOWED	# OF ACRES DEVELOPED
OWRE Well #1	0.67	0.88		Nursery use	53.4	53.4
OWRE Well #2	0.67	1.65		Nursery use	53.4	53.4
OWRE Well #3	0.67	2.97		Nursery use	53.4	53.4

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SECTION 4

SYSTEM DESCRIPTION

Are there multiple PODs or POAs?

YES NO

If "YES" you will need to copy and complete Sections 4B through 4G for each POD/POA.

POD/POA Name or Number this section describes (only needed if there is more than one):

OWRE Well #1

A. Place of Use

1. Is the right for municipal use?

YES NO

If "YES" the table below may be deleted.

TWP	RNG	MER	SEC	QQ	GLOT	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
4S	1W	WM	29	NESW		58	Nursery Use	2.3	
			29	NWSW		59	Nursery Use	0.3	
			29	NWSW		58	Nursery Use	23.1	
			29	SWSW		59	Nursery Use	0.7	
			29	SWSW			Nursery Use	6.2	
			29	SWSW		58	Nursery Use	6.9	
			30	NESE		59	Nursery Use	4.0	
			30	NESE		58	Nursery Use	1.4	
			30	SESE		59	Nursery Use	8.5	
Total Acres Irrigated								53.4	

B. Diversion and Delivery System Information

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport and apply the water from the point of diversion/appropriation to the place of use.

1. Is a pump used?

YES

If "NO" items 2 through item 6 may be deleted.

2. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Johnson			turbine		

3. Motor Information

MANUFACTURER	HORSEPOWER
	25

4. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *If a well, the water level during pumping	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
25	50	70	4	.88

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ADDITIONS TO CLAIM OF BENEFICIAL USE

T-10535 in the name of Tom DeArmond

TWP	RNG	MER	SEC	QQ	GLot	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
4S	1W	WM	29	SWSW		59	IRRI	0.8	
			29	SWSW	3		IRRI	5.4	
			30	SWSE		59	IRRI	4.6	
			30	SESE		59	IRRI	27.0	
			31	NWNE		59	IRRI	10.65	
			32	NWNW	2		IRRI	1.7	
Total Acres Irrigated								50.15	

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5. Provide pump calculations:

$$(7.04) \times (25) = 0.88 \text{ cfs}$$

$$74 + 127$$

6. Measured Pump Capacity (using meter if meter was present and system was operating)

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)

Reminder: For pump calculations use the reference information at the end of this document.

7. Is the distribution system piped?

YES

If "NO" items 8 through item 11 may be deleted.

8. Mainline Information

MAINLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
8"	4000'	pvc	buried

9. Lateral or Handline Information

LATERAL OR HANDLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
4"	4 miles	alum	above
3"	4000'	alum	above

10. Sprinkler Information

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
11/64	50	6.0	405	65	0.87
5/32	50	5.0	500	80	0.89

Reminder: For sprinkler output determination use the reference information at the end of this document.

11. Pivot Information

MANUFACTURER	MAXIMUM WETTED RADIUS	OPERATING PSI	TOTAL PIVOT OUTPUT (GPM)	TOTAL PIVOT OUTPUT (CFS)

12. Additional notes or comments related to the system:

C. Groundwater Source Information (Well and Sump)

1. Is the appropriation from ground water (well or sump)?

YES

If "NO", items 2 through 8 relating to this section may be deleted.

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2. Describe the access port (type and location) or other means to measure the water level in the well:

1 1/2" pipe on the south side of the casing

3. If well logs are not available, provide as much of the following information as possible:

CASING DIAMETER	CASING DEPTH	TOTAL DEPTH	COMPLETION DATE OF ORIGINAL WELL	COMPLETION DATES OF ALTERATIONS	WHO THE WELL WAS DRILLED FOR	WELL DRILLED BY

4. In addition to the information requested in item "3" above, provide any other information which may help the Department locate any well logs associated with this appropriation.

5. Is the appropriation from a dug well (sump)?

NO

D. Storage

1. Does the distribution system include in-system storage (e.g. storage tank, bulge in system / reservoir)

NO

E. Gravity Flow Pipe

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the system involve a gravity flow pipe?

NO

F. Gravity Flow Canal or Ditch

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Is a gravity flow canal or ditch used to convey the water as part of the distribution system?

NO

G. Reservoir

1. Does the claim involve a reservoir modified through a transfer?

NO

OWRE Well #2

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A. Place of Use

1. Is the right for municipal use?

NO

If "YES" the table below may be deleted.

TWP	RNG	MER	SEC	QQ	GLOT	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
4S	1W	WM	29	NESW		58	Nursery Use	2.3	
			29	NWSW		59	Nursery Use	0.3	
			29	NWSW		58	Nursery Use	23.1	
			29	SWSW		59	Nursery Use	0.7	
			29	SWSW			Nursery Use	6.2	
			29	SWSW		58	Nursery Use	6.9	
			30	NESE		59	Nursery Use	4.0	
			30	NESE		58	Nursery Use	1.4	
			30	SESE		59	Nursery Use	8.5	
Total Acres Irrigated								53.4	

B. Diversion and Delivery System Information

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport and apply the water from the point of diversion/appropriation to the place of use.

1. Is a pump used?

YES

If "NO" items 2 through item 6 may be deleted.

2. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Layne & Bowler			turbine		6"

3. Motor Information

MANUFACTURER	HORSEPOWER
	50

4. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *If A WELL, THE WATER LEVEL DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
50	50	82	4	1.65

5. Provide pump calculations:

$$\frac{(7.04) \times (50)}{86 + 127} = 1.65 \text{ cfs}$$

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6. Measured Pump Capacity (using meter if meter was present and system was operating)

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)

Reminder: For pump calculations use the reference information at the end of this document.

7. Is the distribution system piped?

YES

If "NO" items 8 through item 11 may be deleted.

8. Mainline Information

MAINLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
8"	4000'	pvc	buried

9. Lateral or Handline Information

LATERAL OR HANDLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
4"	4 miles	alum	above
3"	4000'	alum	above

10. Sprinkler Information

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
11/64	50	6.0	405	120	1.60
5/32	50	5.0	500	150	1.67

Reminder: For sprinkler output determination use the reference information at the end of this document.

11. Pivot Information

MANUFACTURER	MAXIMUM WETTED RADIUS	OPERATING PSI	TOTAL PIVOT OUTPUT (GPM)	TOTAL PIVOT OUTPUT (CFS)

12. Additional notes or comments related to the system:

C. Groundwater Source Information (Well and Sump)

1. Is the appropriation from ground water (well or sump)?

YES

If "NO", items 2 through 8 relating to this section may be deleted.

2. Describe the access port (type and location) or other means to measure the water level in the well:

Square hole on the NE side of the casing

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3. If well logs are not available, provide as much of the following information as possible:

CASING DIAMETER	CASING DEPTH	TOTAL DEPTH	COMPLETION DATE OF ORIGINAL WELL	COMPLETION DATES OF ALTERATIONS	WHO THE WELL WAS DRILLED FOR	WELL DRILLED BY

4. In addition to the information requested in item "3" above, provide any other information which may help the Department locate any well logs associated with this appropriation.

5. Is the appropriation from a dug well (sump)?

NO

D. Storage

1. Does the distribution system include in-system storage (e.g. storage tank, bulge in system / reservoir)

NO

E. Gravity Flow Pipe

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the system involve a gravity flow pipe?

NO

If "NO", items 2 through 4 relating to this section may be deleted.

F. Gravity Flow Canal or Ditch

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Is a gravity flow canal or ditch used to convey the water as part of the distribution system?

NO

G. Reservoir

1. Does the claim involve a reservoir modified through a transfer?

NO

OWRE Well #3

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A. Place of Use

1. Is the right for municipal use?

NO

If "YES" the table below may be deleted.

TWP	RNG	MER	SEC	QQ	GLOT	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
4S	1W	WM	29	NESW		58	Nursery Use	2.3	
			29	NWSW		59	Nursery Use	0.3	
			29	NWSW		58	Nursery Use	23.1	
			29	SWSW		59	Nursery Use	0.7	
			29	SWSW			Nursery Use	6.2	
			29	SWSW		58	Nursery Use	6.9	
			30	NESE		59	Nursery Use	4.0	
			30	NESE		58	Nursery Use	1.4	
			30	SESE		59	Nursery Use	8.5	
Total Acres Irrigated								53.4	

B. Diversion and Delivery System Information

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport and apply the water from the point of diversion/appropriation to the place of use.

1. Is a pump used?

YES

If "NO" items 2 through item 6 may be deleted.

2. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
		58895	turbine		6"

3. Motor Information

MANUFACTURER	HORSEPOWER
US	125

4. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *If A WELL, THE WATER LEVEL DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
125	60	140	4	2.97

5. Provide pump calculations:

$(7.04) \times (125) = 2.97 \text{ cfs}$ $144 + 152.4$

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6. Measured Pump Capacity (using meter if meter was present and system was operating)

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)

Reminder: For pump calculations use the reference information at the end of this document.

7. Is the distribution system piped?

YES

If "NO" items 8 through item 11 may be deleted.

8. Mainline Information

MAINLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
8"	4000'	pvc	buried

9. Lateral or Handline Information

LATERAL OR HANDLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
4"	4 miles	alum	above
3"	4000'	alum	above

10. Sprinkler Information

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
11/64	60	6.0	405	220	2.94
5/32	60	5.0	500	270	3.01

Reminder: For sprinkler output determination use the reference information at the end of this document.

11. Pivot Information

MANUFACTURER	MAXIMUM WETTED RADIUS	OPERATING PSI	TOTAL PIVOT OUTPUT (GPM)	TOTAL PIVOT OUTPUT (CFS)

12. Additional notes or comments related to the system:

C. Groundwater Source Information (Well and Sump)

1. Is the appropriation from ground water (well or sump)?

YES

If "NO", items 2 through 8 relating to this section may be deleted.

2. Describe the access port (type and location) or other means to measure the water level in the well:

1 1/2" pipe on the east side of the casing

3. If well logs are not available, provide as much of the following information as possible:

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4. In addition to the information requested in item "3" above, provide any other information which may help the Department locate any well logs associated with this appropriation.

5. Is the appropriation from a dug well (sump)?

NO

D. Storage

1. Does the distribution system include in-system storage (e.g. storage tank, bulge in system / reservoir)

NO

E. Gravity Flow Pipe

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the system involve a gravity flow pipe?

NO

If "NO", items 2 through 4 relating to this section may be deleted.

F. Gravity Flow Canal or Ditch

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Is a gravity flow canal or ditch used to convey the water as part of the distribution system?

NO

G. Reservoir

1. Does the claim involve a reservoir modified through a transfer?

NO

SECTION 5 CONDITIONS

All conditions contained in the permit, permit amendment, transfer final order, or any extension final order shall be addressed. Reports that do not address all performance related conditions will be returned.

1. Time Limits:

Permits, transfer final orders, and any extension final orders contain any or all of the following dates: the date when the actual construction work was to begin, the date when the construction was to be completed, and the date when the complete application of water to the proposed use was to be completed. These dates may be referred to as ABC dates. Describe how the water user has complied with each of the development timelines established in the permit, extension or transfer final order:

	DATE FROM PERMIT OR TRANSFER	DATE ACCOMPLISHED*	DESCRIPTION OF ACTIONS TAKEN BY WATER USER TO COMPLY WITH THE TIME LIMITS
ISSUANCE DATE	2-1-2009		
BEGIN CONSTRUCTION (A)			
COMPLETE CONSTRUCTION (B)	10-1-2010	Summer 2011	All construction work completed and water applied to beneficial use.
COMPLETE APPLICATION OF WATER (C)	Same as above		

* MUST BE WITHIN PERIOD BETWEEN PERMIT, TRANSFER FINAL ORDER, OR ANY EXTENSION FINAL ORDER ISSUANCE AND THE DATE TO COMPLETELY APPLY WATER

2. Is there an extension final order(s)?

NO

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4. Initial Water Level Measurements:

a. Was the water user required to submit an initial static water level measurement?

NO

5. Annual Static Water Level Measurements:

a. Was the water user required to submit annual static water level measurements?

NO

6. Pump Test (Required for most ground water permits prior to issuance of a certificate)

a. Did the permit require the submittal of a pump test?

NO

7. Measurement Conditions:

a. Does the permit, permit amendment, transfer final order, or any extension final order require the installation of a meter or approved measuring device?

YES

If "NO", items 7b through 7f relating to this section may be deleted.

Reminder: If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion or appropriation.

b. Has a meter been installed?

YES

c. Meter Information

POD/POA NAME OR #	MANUFACTURE R	SERIAL #	CONDITION (WORKING OR NOT)	CURRENT METER READING	DATE INSTALLED
OWRE 1	Jennings		working		Fall 1998
OWRE 2	Jennings		working	1906	Fall 1998
OWRE 3	McCrometer	07-08811-08	working		Fall 1998

If a meter has been installed, items 7d through 7f relating to this section may be deleted.

d. If a meter has not been installed, has a suitable measuring device been installed and approved by the Department?

YES NO

e. If "YES", provide a copy of the letter approving the device, if available. If the letter is not available provide the name and title of the Water Resources Department employee approving the measuring device, and the approximate date of the approval:

NAME	TITLE	APPROXIMATE DATE

f. Measurement Device Description

DEVICE DESCRIPTION	CONDITION (WORKING OR NOT)	DATE INSTALLED

8. Recording and reporting conditions

a. Is the water user required to report the water use to the Department?

NO

9. Fish Screening

a. Are any points of diversion required to be screened to prevent fish from entering the point of diversion?

NO

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10. By-pass Devices

a. Are any points of diversion required to have a by-pass device to prevent fish from entering the point of diversion?

NO

11. Other conditions required by permit, permit amendment final order, extension final order, or transfer final order:

a. Were there special well construction standards?

NO

b. Was submittal of a ground water monitoring plan required?

NO

c. Was the water user required to restore the riparian area if it was disturbed?

NO

d. Was a fishway required?

NO

e. Was submittal of a letter from an engineer required prior to storage of water?

NO

f. Was submittal of a water management and conservation plan required?

NO

g. Other conditions?

NO

If "YES" to any of the above, identify the condition and describe the water user's actions to comply with the condition(s):

--

SECTION 6 ATTACHMENTS

Provide a list of any additional documents you are attaching to this report:

ATTACHMENT NAME	DESCRIPTION
Well logs	Well logs

SECTION 7 CLAIM OF BENEFICIAL USE MAP

The Claim of Beneficial Use Map must be submitted with this claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320 feet, 1" = 400 feet, or the original full-size scale of the county assessor map for the location.

Provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

The basis of the survey is aerial imagery, a lazer jet print from a computerized aerial digital image. The image was obtained from GOOGLE. The single image did not have a flight or identification number.

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Map Checklist

Please be sure that the map you submit includes ALL the items listed below.

(Reminder: Incomplete maps and/or claims may be returned.)

- ☒ Map on polyester film
- ☒ Appropriate scale (1" = 400 feet, 1" = 1320 feet, or the original full-size scale of the county assessor map)
- ☒ Township, Range, Section, Donation Land Claims, and Government Lots
- ☒ If irrigation, number of acres irrigated within each projected Donation Land Claims, Government Lots, Quarter-Quarters
- ☒ Locations of fish screens and/or fish by-pass devices in relationship to point of diversion
- ☒ Locations of ~~meters~~ and/or measuring devices in relationship to point of diversion or appropriation
- ☒ Conveyance structures illustrated (pumps, reservoirs, pipelines, ditches, etc.)
- ☒ Point(s) of diversion or appropriation (illustrated and coordinates)
- ☒ Tax lot boundaries and numbers
- ☒ Source illustrated if surface water
- ☒ Disclaimer ("This map is not intended to provide legal dimensions or locations of property ownership lines")
- ☒ Application and permit number or transfer number
- ☒ North arrow
- ☒ Legend
- ☒ CWRE stamp and signature

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WATER RESOURCES DEPT
SALEM, OREGON

ORIGINAL
of Original, and
duplicate with the
STATE ENGINEER,
SALEM, OREGON

WATER WELL DRILLERS REPORT

STATE OF OREGON

Do Not State Well No. 7/1W-3074
Fill In State Permit No. 460

(1) OWNER:

Name James C. Davis
Address Box 1 Hubbard, Ore.

(2) LOCATION OF WELL:

County MARION Owner's number, if any
R. F. D. or Street No. ROUTE 1
Bearing and distance from section or subdivision corner

(3) TYPE OF WORK (check):

Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐
Abandonment, describe material and procedure in Item 11.

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐
Irrigation ☒ Test Well ☐ Other ☐

(5) EQUIPMENT:

Rotary ☐
Cable ☒
Dug Well ☐

(6) CASING INSTALLED:

Threaded ☐ Welded ☒
FROM ft. to ft. Diam. Gage or Wall
0 - 134 ft. 10" 7"
" " " " " "
" " " " " "
" " " " " "
Type and size of shoe or well ring 3 in
Describe joint

If gravel packed

Diameter of Bore	from ft.	to ft.
"	"	"
"	"	"
"	"	"
"	"	"

Size of gravel:

(7) PERFORATIONS:

Type of perforator used Cutting torch
SIZE of perforations 2 1/8 in. length, by 1/4 in.
FROM ft. to ft. No. of rows
121 - 134 " 3 " 10 "
" " " " " "
" " " " " "
" " " " " "

SCREENS:

Give Manufacturer's Name, Model No. and Size

(8) CONSTRUCTION:

Was a surface sanitary seal provided? ☐ Yes ☒ No To what depth ft.
Were any strata sealed against pollution? ☐ Yes ☐ No
If yes, note depth of strata
FROM ft. to ft.
" " " " " "
METHOD OF SEALING

(9) WATER LEVELS:

Depth at which water was first found 119 ft.
Standing level before perforating 12 ft.
Standing level after perforating 12 ft.
Log Accepted by:
[Signed] James C. Davis dated 5/26, 1957
Owner

(10) WELL TESTS:

Was a pump test made? ☒ Yes ☐ No If yes, by whom? STETTLER
Yield: gal./min. with ft. draw down after hrs.
" 450 " 70 " 1
" " " " " "
Artesian flow _____ g.p.m.
Shut-in pressure _____ lbs. per square inch.
Bailer test _____ g.p.m. with _____ ft. drawdown
Temperature of water _____ Was a chemical analysis made? ☐ Yes ☒ No
Was electric log made of well? ☐ Yes ☒ No

(11) WELL LOG:

Diameter of well, 10 inches.
Total depth 137 ft. Depth of completed well 134 ft.
Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation.
ft. to ft.
1 - 12 BROWN CLAY
12 - 74 BLUE
74 - 90 SHALE
90 - 119 BLUE CLAY
119 - 121 BLACK SAND
121 - 134 SAND & GRAVEL
134 - 137 BLUE CLAY

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SALEM, OREGON

JUN 23 2015

WATER RESOURCES DEPT
SALEM, OREGON

Ground elevation at well site _____ feet above mean sea level.

Work started APRIL 1957 Completed MAY 1957

Well Driller's Statement:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

NAME EDMOND DANSKEY
(Person, firm, or corporation) (Typed or printed)

Address ROUTE 1 BOX 336

Driller's well number

[Signed] Edmond Danskey

License No. 153 Dated 3/27, 1957

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WELL #2 CONSTRUCTION INFORMATION

The well was constructed by a previous land owner.

The well is approximately 130' in depth.

There is a 12" steel casing at land surface.

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JAN 23 2006

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765 & OAR 690-205-0210)

MART 60942

OWNERS 3

NENE 8231 45 1W

WELL LABEL # L 75918

START CARD # 163498

(1) LAND OWNER

Owner Well I.D. OWRES

First Name Tom Last Name DeArmond

Company Oregon Turf & Trees

Address 18381 Boones Ferry Rd. NE

City Hubbard State OR Zip 97032

(2) TYPE OF WORK ☒ New Well ☐ Deepening ☐ Conversion

☐ Alteration (repair/recondition) ☐ Abandonment

(3) DRILL METHOD

☐ Rotary Air ☐ Rotary Mud ☒ Cable ☐ Auger ☐ Cable Mud

☐ Reverse Rotary ☐ Other

(4) PROPOSED USE ☐ Domestic ☒ Irrigation ☐ Community

☐ Industrial/ Commercial ☐ Livestock ☐ Dewatering

☐ Thermal ☐ Injection ☐ Other

(5) BORE HOLE CONSTRUCTION Special Standard ☐ (Attach copy)

Depth of Completed Well 306.66 ft.

BORE HOLE			SEAL			Amt	sacks/ lbs
Dia	From	To	Material	From	To		
20	0	6	Bentonite Chips	0	6	10	S
20	6	80	Cement	6	80	86	S
16	80	308					

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E

☐ Other

Backfill placed from ft. to ft. Material

Filter pack from 246.66 ft. to 306.66 ft. Material gravel Size 4/10

Explosives used: ☐ Yes Type Amount

(6) CASING/LINER

Casing	Liner	Dia	From	To	Gauge	Stl	Pisto	Wld	Thrd
☒	☒	16	☒	1	244.62	.375	☒	☒	☒
☒	☒	12	☒	1.75	246.66	.250	☒	☒	☒
☒	☒	12	☒	300.66	306.66	.250	☒	☒	☒

Shoe ☒ Inside ☐ Outside ☐ Other Location of shoe(s) 244.62

Temp casing ☐ Yes Dia From To

(7) PERFORATIONS/SCREENS

Perforations Method

Screens Type v wire Material stainless steel

Perf/	Casing/Screen	Dia	From	To	Scr/slot width	Slot length	# of slots	Tele/pipe size
Screen		12	246.66	275.66	.07			12
Screen		12	275.66	300.66	.125			12

(8) WELL TESTS: Minimum testing time is 1 hour

☒ Pump ☐ Bailor ☐ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
1,175	38.6	110	1
1,175	42	114	3
1,175	42.3	114	4

Temperature 53 °F Lab analysis ☐ Yes By

Water quality concerns? ☐ Yes (describe below)

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)

County MARION Twp 4 S 8 N/S Range 1 W E/W WM

Sec 32 NW 1/4 of the NW 1/4 Tax Lot 900

Tax Map Number Lot

Lat or DMS or DD

Long or DMS or DD

☒ Street address of well ☐ Nearest address

10333 Broadacres Rd. NE Hubbard, OR 97032

(10) STATIC WATER LEVEL

Existing Well / Predeepening Date SWL (psi) + SWL (ft)

Completed Well 06-27-2007 ☒ 72.2

Flowing Artesian? ☐ Dry Hole? ☐

WATER BEARING ZONES

Depth water was first found 123

SWL Date	From	To	Est Flow	SWL (psi)	+ SWL (ft)
11-14-2006	123	132	10		40
11-17-2006	176	189	25		40
12-04-2006	199	214	30		40
12-19-2006	246	302	3,000		40

(11) WELL LOG

Ground Elevation FEB 12 2008

Material	From	To
Topsoil & large gravel	0	1
Clay brown hard	1	8
Clay gray soft, silty	8	74
Clay dark gray	74	81
Sand black fine & silt	81	91
Clay silty dark gray	91	96
Sand & clay gray	96	110
Clay gray sticky	110	113
Clay green & gray, sticky	113	123
Cemented sand & gravel	123	132
Clay gray & green, sandy	132	150
Clay blue sticky	150	154
Clay green sticky	154	159
Clay green	159	167
Clay gray soft	167	176
Sand & clay gray, cemented	176	186
Sand	186	189
Clay gray, soft	189	199
sand and clay	199	210

Date Started 10-23-2006

Completed 08-27-2007

(unbonded) Water Well Constructor Certification

I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

License Number Date 7/24/07

Password: (if filing electronically)

Signed [Signature]

(bonded) Water Well Constructor Certification

I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

License Number 783 Date 09-13-2007

Password: (if filing electronically)

Signed [Signature]

Contact Info (optional) Grossen Well Drilling (503) 982-2060

ORIGINAL - WATER RESOURCES DEPARTMENT

THIS REPORT MUST BE SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK

Form Version: 0.88

JUN 23 2015

WATER RESOURCES DEPT
SALEM, OREGON

Continuation page

START CARD # 163498

BORE HOLE

[illegible]

From	To	Material	Size
------	----	----------	------

Definition 1

Casing Liner	Dia	+	From	To	Gauge	Sil	Pistc	Wld	Thrd

Perf/ Casing/ Screen

[illegible]

Wellhead/in	Druidson	Drill stem/Burns depth	D
-------------	----------	------------------------	---

[illegible]

From	To	Description	Amount	Units
------	----	-------------	--------	-------

[illegible]

Water Bearing Zones

[illegible]

Met

[illegible]

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FEB 12 2008

WATER RESOURCES
SALEM, OREGON

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#7 Perforations/Screens: 306"8" (306.66) Bottom plate & lift bail.

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WATER RESOURCES DEPT
SALEM, OREGON

COPY

T 4 S, R 1 W, W.M. Section 29 & 30

Section line —————

¼ ¼ line —————

DLC line —————

Pipe line —————

Tax Lot line —————

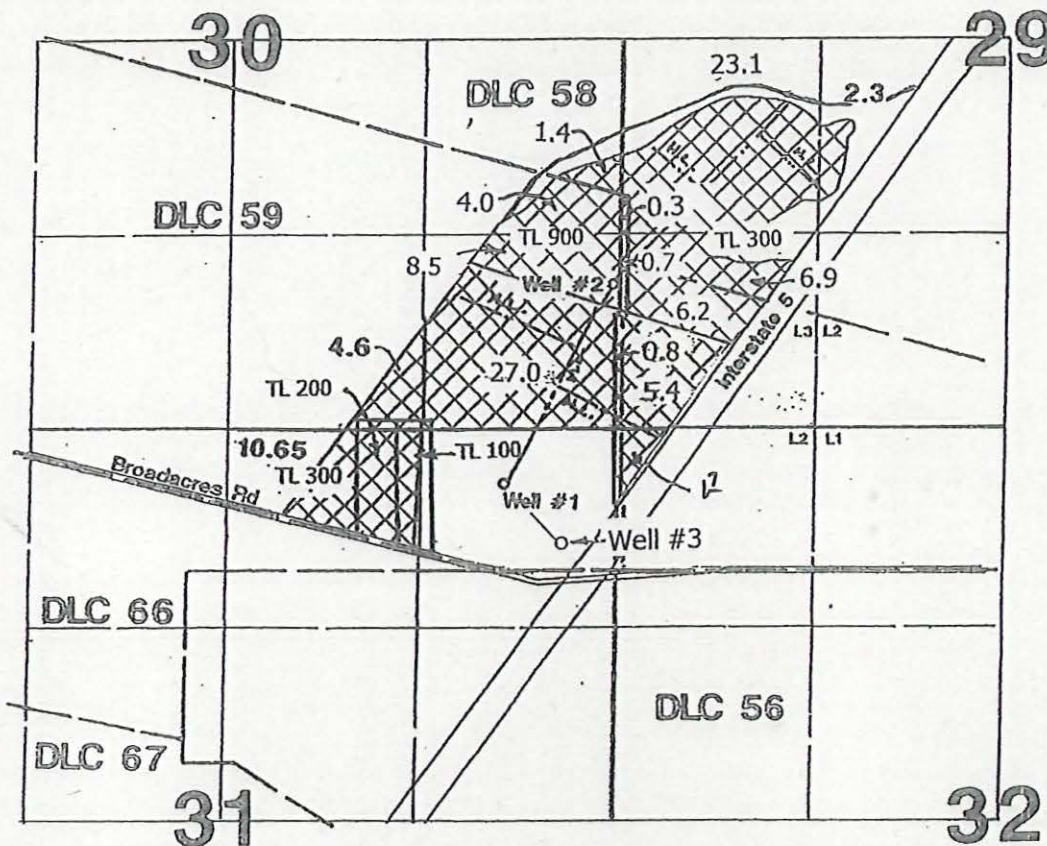
T-10535

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OCT 31 2016

QWRD

NORTH



Each well has a meter at the well head.

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2015 23 月

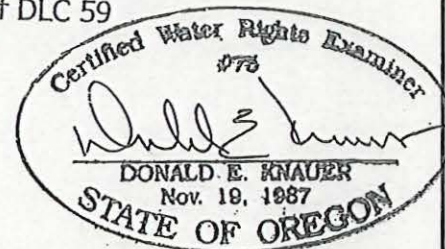
WATER RESOURCES DEPT
SALEM, OREGON

OWRE Well #1: 607' N & 812' W from the SE corner of DLC 59
OWRE Well #2: 1000' N & 50' W from the SE corner of section 30
OWRE Well #3: 220' N & 400' W from the SE corner of DLC 59

Scale 1" = 1320'

This map is not intended to provide dimensions or locations of property ownership lines.

The place of use for irrigation under perfected water right certificate 83086 was added October 31, 2016.



RENEWAL DATE: 6/30/2015

Water Right Transfer Checklist

Transfer T-10535

Transfer Specialist: Dorothy Pedersen/REIM

Transfer Type: Regular

Applicant Name/Address: Thomas DeArmond, 11463 Broadacres Rd. NE, Hubbard, OR 97032

Agent Name/Address: Don Knauer PO Box 5416 Salem, OR 97304

CWRE Name/Number: Don Knauer # 75

Rec Landowner Name/Address: None

Irr. District Name/Address: None

Affected Gov'ts Name/Address: None

Commentors: Name/Address: None

Water Rights Affected

Records Marked	Records Copied	App File No. or Decree Name	Permit No.	Certificate No.	RR/CR Needed	RR/CR Nos.
☒	☒	G-12423	G-12536	83086	☐ Yes ☒ No	N/A
☐	☐				☐ Yes ☐ No	
☐	☐				☐ Yes ☐ No	

Key Dates & Initial Actions

Rec'd: <u>2/12/2008</u>	Proposed Action(s): <u>POU POD HST APOD USE OTHER: APOA, USE</u>	
Fees Pd: <u>925.00</u>	WM District: <u>16</u>	ODFW District: <u>None</u>
Initial Notice: <u>2/19/2008</u>	WM Review sent: <u>2/19/2008</u>	ODFW Review sent: <u>None</u>
Acknowledgement Letter Sent ☒		GW Review sent: <u>2/19/2008</u>

Processing Dates & Actions

Deficiency Contacts: _____

Newspaper Pub Affid Due: YES - 1-26-09

~~☐ not required~~

DPD Mailed: 6-11-08

Affid of Pub Rec'd: 1-12-09

~~☐ ODFW contact sheet sent with DPD, or~~ ☒ N/A

Last Day Published: 1-7-09

PD Mailed: _____

Affidavit Reminder Sent: _____

PD Weekly Notice: ✓

Reminder Deadline: _____

Preliminary Determination

☒ Electronic Files uploaded

☒ Preliminary Determination

☒ PD Cover letter

~~☐ Fee Refund Due~~

☒ PD Notice

~~☐ Remaining Rights~~

☒ File Assigned/ ModPod updated

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: _____	Reviewer: <u>[Signature]</u>	Reviewer: <u>[Signature]</u>
Date: _____	Date: <u>12-2-08</u>	Date: <u>2-9-09</u>
Coordinator: _____	Coordinator: _____	Coordinator: _____
Date: _____	Date: _____	Date: _____

Comments/Special Issues:

Newspaper Notice is **REQUIRED**.

NOTE: No Ownership/ROLT issues on this one.

Proposed well is approx. 575 feet southeast from Well #1 and approx. 1800 feet southwest from Well #2.

APOA ~~Change~~ Change in Character of Use.

Special Order Volume: Vol 77 Pages 219

Final Order Signature Date: 2-10-09

Notice of FO email'd to processors Dorothy



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

February 17, 2009

THOMAS H DEARMOND
11463 BROADACRES ROAD NE
HUBBARD, OR 97032

REFERENCE: Transfer Application T-10535

Enclosed is a copy of the final order approving your water right transfer application.

The time allowed to complete the transfer is specified in the final order. **YOU SHOULD GIVE PARTICULAR ATTENTION TO THE TIME LIMIT.** The water right for any portion of the authorized change in character of use or change in place of use NOT carried out within the time allowed will be lost.

An extension of the time limit can be allowed only upon a showing that diligent effort has been made to complete the actual change(s) within the time allowed.

You are required to hire a Certified Water Rights Examiner (CWRE) to complete a Claim of Beneficial Use report and map which must be submitted to this Department within one year of the date you complete the change(s) or within one year of the completion date authorized in the transfer final order, whichever occurs first.

If you have any questions related to the approval of this transfer, you may contact me by telephone at (503) 986-0883 or by e-mail at Sarah.A.Henderson@wrд.state.or.us.

Sincerely,

Sarah Henderson
Executive Support
Field Services Division

cc: Watermaster Dist. #16
Don Knauer, Agent

Enclosure

Interoffice Memorandum

April 28, 2008

To: Water Rights
From: Karl Wozniak
Subject: Ground Water Review of **Transfers** T-10532, 10533, 10534, and **10535**, Tom DeArmond

Findings

The proposed points of appropriation (POAs) produce from the same aquifer as the authorized POAs.

The transfer is unlikely to result in injury to existing rights.

Recommended Conditions

Large water use reporting condition, with a totalizing meter on each well, for all POAs that are authorized by any orders approving these transfers.

Discussion

The proposed transfers have the net effect of moving about 2.44 cfs of alluvial ground water production from 3 wells just west of the City of Woodburn to 7 existing wells that are about 1.5 miles west of Hubbard, about 3.5 miles north-northeast of the authorized POAs (see attached map). All of the proposed POAs are listed on a number of other water rights. The general hydrogeology is similar throughout the area encompassed by both sets of wells. The area is underlain by over 1000 feet of alluvial and lacustrine sediments, the upper 100 feet of which is largely composed of silt and clay of the Willamette Silt. Older sediments beneath the Willamette Silt, historically referred to as the Troutdale aquifer, are predominantly clay and silt but sand and gravel beds of various thickness can be found to depths of at least 300 feet. The lateral continuity of the sand and gravel beds is poorly understood. Except for MARI 60942, all of the authorized and all of the proposed POAs produce from sand and gravel beds that occur between elevations of about -10 to 40 feet (see attached cross section). MARI 60942 is open to deeper water-bearing sands and gravels that occur at elevations between about -60 and -120 feet below sea level (depths of about 243-302 feet). This is probably the same set of sand and gravel beds that is open in MARI 55251, a production well for the City of Hubbard.

General experience indicates that the heads are not substantially different throughout the column of sediments (see attached plot). This suggests that the natural vertical connection between the various water-bearing sands is relatively efficient and that the alluvial system can be effectively treated as a single aquifer system. Well MARI 60942 may be an exception to this generality as

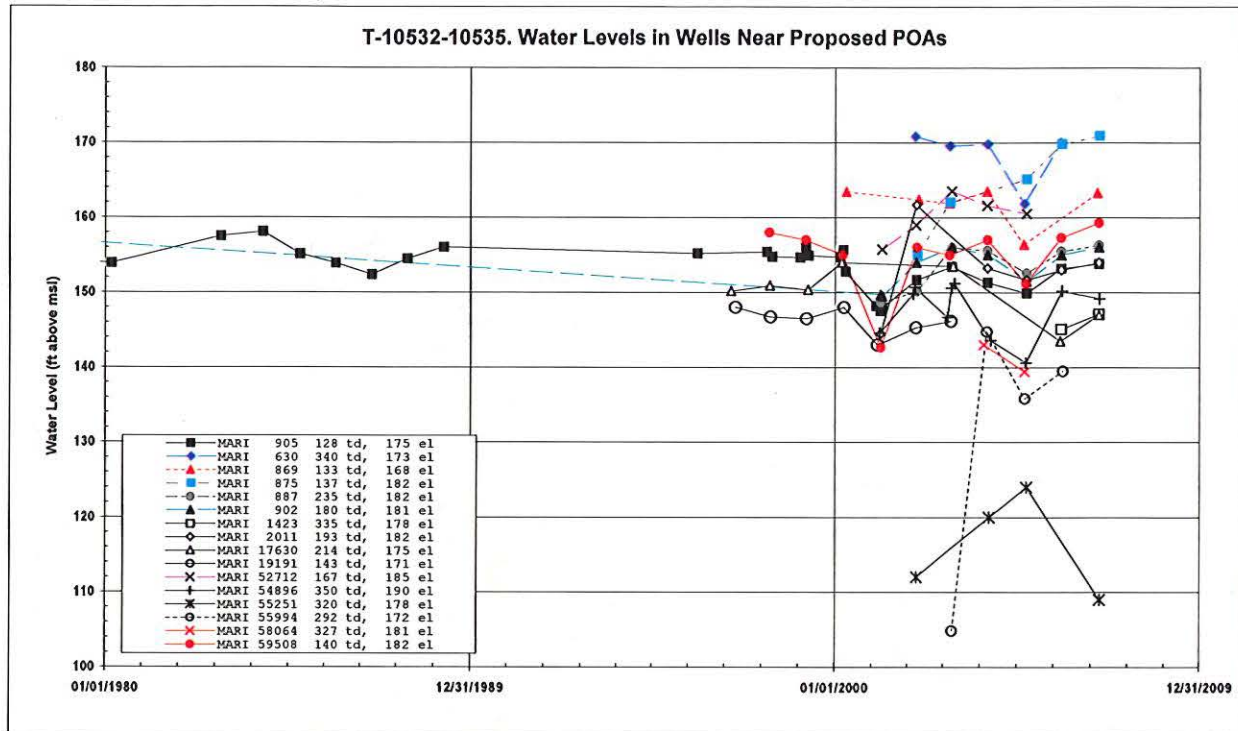
the static water level reported on the well log (72.2 feet) indicates a head of about 111 feet, which is about 45 feet lower than the heads in the other proposed POAs. However, a large fraction of this difference can probably be attributed to seasonal variation as the water level on well log MARI 60942 was measured on June 27, 2007 whereas water levels for the other wells on the attached plot were generally measured in March. Water-level reporting for MARI 60942 would clarify these head relationships but a reporting condition is not recommended for these transfers as annual water-level reporting is already required for MARI 60942 as a condition on permit G-16181.

Ground-water levels in the area around the proposed POAs appear to be stable (see attached plots). Seasonal fluctuations appear to be about 40 feet whereas the saturated thickness of the aquifer is many hundreds of feet. These facts suggest that the transfer is unlikely to result in injury to existing rights.

Water right files and other Departmental records indicate that the authorized and proposed POAs correspond to the well logs in the following table. In a number of cases, the applicant reports a different well log than the one indicated by Departmental records. In all of these cases the discrepancy is unimportant as the corresponding depth and well construction is similar for each pair of logs.

<u>Water Right</u>	<u>Owner's Well Number</u>	<u>Well Logs per OWRD Records</u>	<u>Well Logs per Transfer Application</u>
<u>Existing POAs</u>			
Certificate 39802		MARI 2435/2436	MARI 2461
Certificate 44644		MARI 2447	MARI 2435
GR-53		MARI 2433	None
Certificate 83086	OWRE 1	MARI 59508	None
Certificate 83086	OWRE 2	MARI 875	MARI 59508
<u>Proposed POAs</u>			
	Well 1	MARI 887	MARI 887
	Well 2	MARI 902/55762	MARI 902
	Well 8	MARI 2011	MARI 2011
	OWRE 1	MARI 59508	MARI 875
	OWRE 2	MARI 875	MARI 59508
	OWRE 3	MARI 60942	MARI 60942

Water Levels in Nearby Wells



Well Location

Oregon Water Resources Department Well Log ID

Oregon Water Resources Department State Observation Well Number

Well depth, in feet below land surface

Land surface elevation, in feet above mean sea level

Primary use of well

4.00S1.00W32ADB

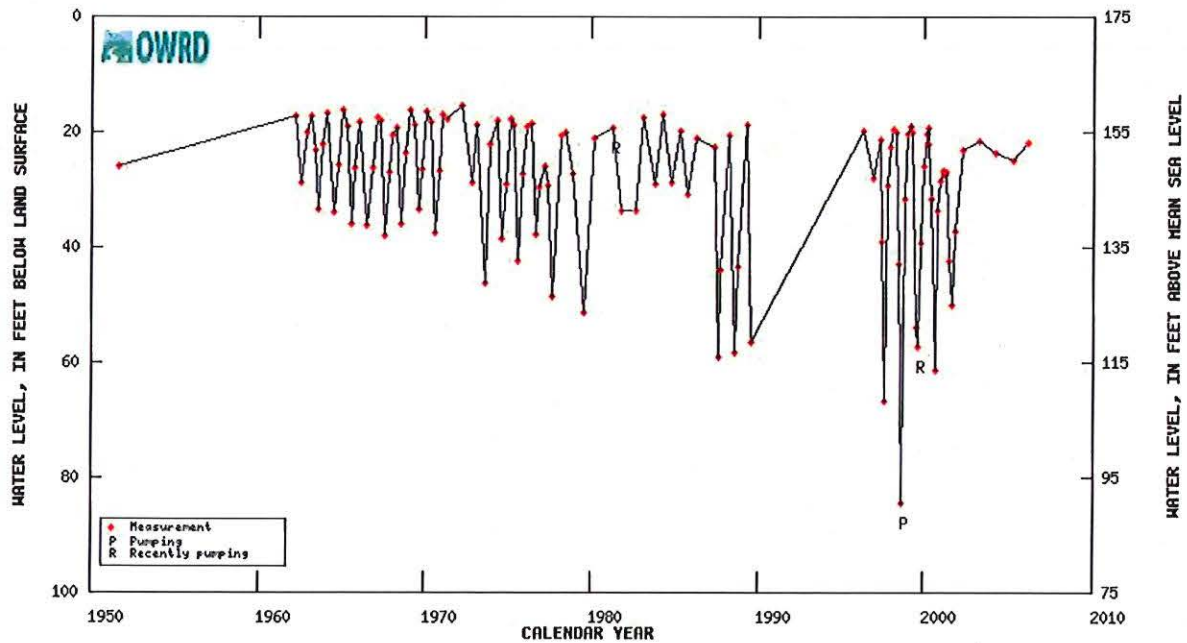
MARI 905

606

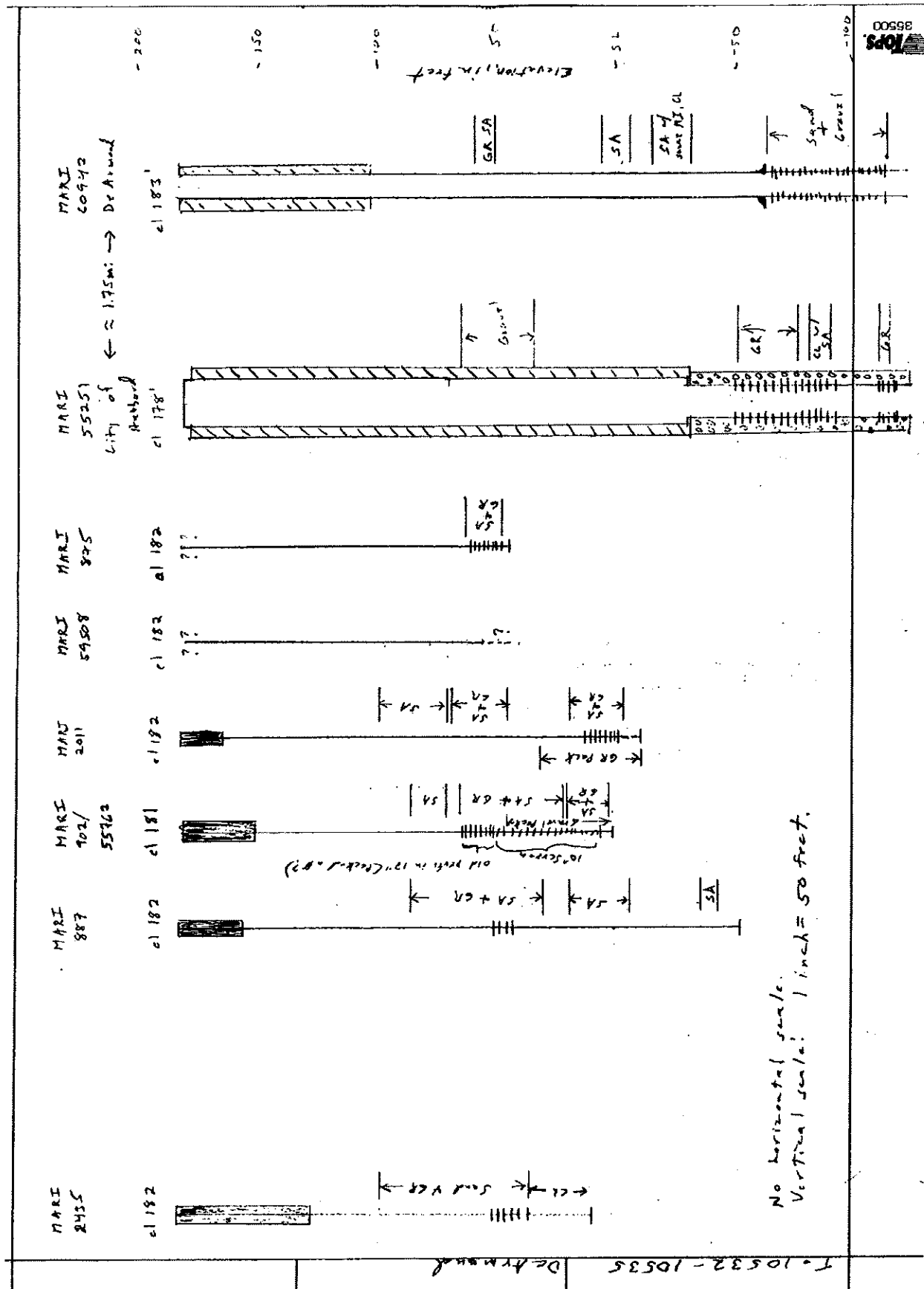
128

175

IRRIGATION



Diagrammatic Cross Section



This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

STATE OF OREGON

COUNTY OF MARION

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

THOMAS H. DeARMOND
11463 BROADACRES ROAD NE
HUBBARD, OREGON 97032

This Certificate confirms the right to use the waters perfected under the terms of the Permit. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed the amount described, or its equivalent in case of rotation, measured at the point of diversion from the source. The specific limits and conditions of this right are listed below.

APPLICATION FILE NUMBER: G-12423

PERMIT NUMBER: G-12536

SOURCE OF WATER: TWO WELLS IN THE SENECALE CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 103.55 ACRES

MAXIMUM RATE ALLOWED: NOT TO EXCEED 1.29 CUBIC FOOT PER SECOND (CFS) IN ANY COMBINATION, BEING 0.45 CFS FROM WELL #1 AND 1.09 CFS FROM WELL #2

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: FEBRUARY 20, 1991 FOR 1.11 CFS AND SEPTEMBER 2, 1992 FOR 0.18 CFS

G-12423.RA

Certificate Number 83086

T 10535

THE WELLS ARE LOCATED AS FOLLOWS:

WELL 1: NE 1/4 NE 1/4, AS PROJECTED WITHIN DLC 59, SECTION 31, TOWNSHIP 4 SOUTH, RANGE 1 WEST, W.M.; 607 FEET NORTH AND 812 FEET WEST FROM THE SE CORNER, DLC 59.

WELL 2: SE 1/4 SE 1/4, AS PROJECTED WITHIN DLC 59, SECTION 30, TOWNSHIP 4 SOUTH, RANGE 1 WEST, W.M.; 1000 FEET NORTH AND 50 FEET WEST FROM THE SE CORNER, SECTION 30.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 SW 1/4 2.3 ACRES
 NW 1/4 SW 1/4 23.1 ACRES
 SW 1/4 SW 1/4 6.9 ACRES
 ALL AS PROJECTED WITHIN LARRISON DLC 58
 SECTION 29

LOT 3 (SW 1/4 SW 1/4) 11.6 ACRES
 SECTION 29

NW 1/4 SW 1/4 0.3 ACRE
 SW 1/4 SW 1/4 1.5 ACRES
 BOTH AS PROJECTED WITHIN DLC 59
 SECTION 29

NE 1/4 SE 1/4 1.4 ACRES
 AS PROJECTED WITHIN LARRISON DLC 58
 SECTION 30

NE 1/4 SE 1/4 4.0 ACRES
 SW 1/4 SE 1/4 4.6 ACRES
 SE 1/4 SE 1/4 35.5 ACRES
 ALL AS PROJECTED WITHIN DLC 59
 SECTION 30

NW 1/4 NE 1/4 10.65 ACRES
 AS PROJECTED WITHIN DLC 59
 SECTION 31

LOT 2 (NW 1/4 NW 1/4) 1.7 ACRES
 SECTION 32
 TOWNSHIP 4 SOUTH, RANGE 1 WEST, W.M.

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water use information, including the place and nature of use of water under the right.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

Limited Water Level Decline/Interference Condition

To monitor the effect of water use from the well(s) authorized under this right, the Department requires the water user to submit annual static water level reports. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

After Use of Water has Begun

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurements to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The Water Resources Department has determined that the initial water level in Well # 1 is 24.0 feet below ground surface and in Well # 2 is 20.0 feet below ground surface. That is the level from which the cited declines in (A), (B) and (C) above will be referenced.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

The right to the use of the water for the above purpose is restricted to beneficial use without waste on the lands or place of use described. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

The Director may require water level or pump test results every ten years.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

This certificate is issued to correct an error by the Department in the issuance of the previous Certificate and supersedes Certificate 82928.

Issued JAN 18 2007.


Phillip C. Ward, Director
Water Resources Department

Recorded in State Record of Water Right Certificates Number 83086.

G-12423.RA

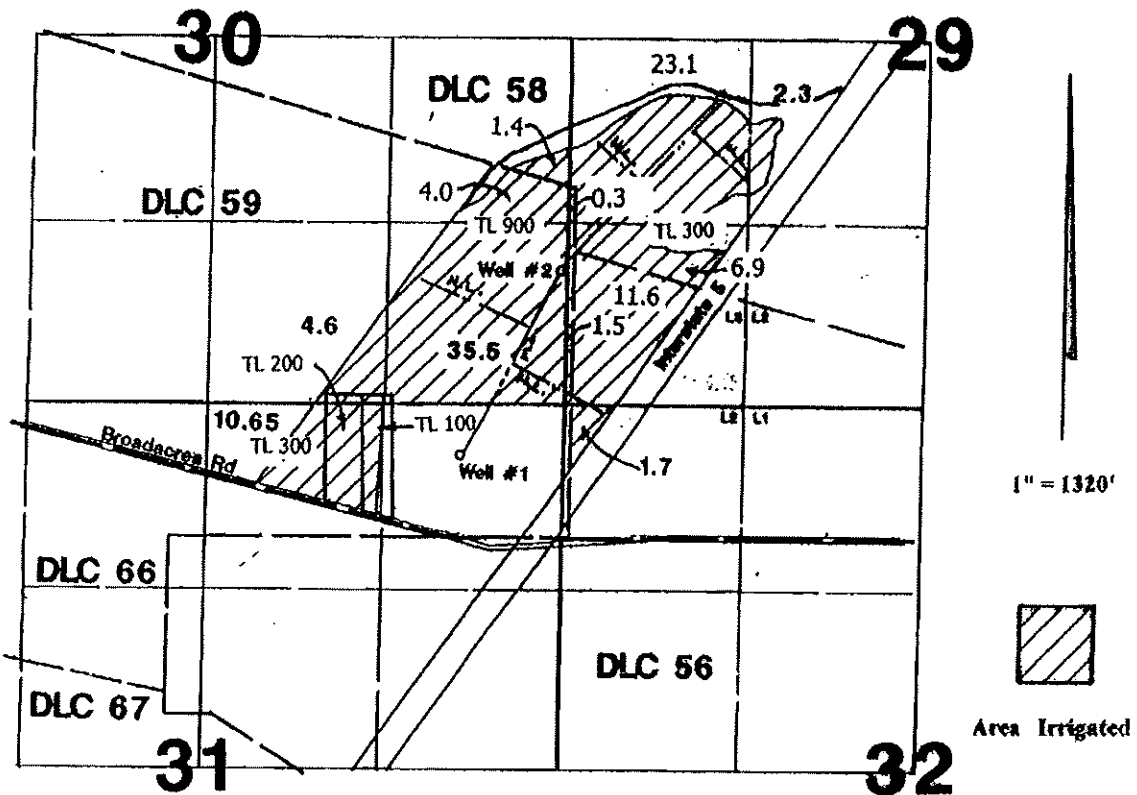
T 10535

RECEIVED

NOV 01 2005

WATER RESOURCES DEPT
SALEM, OREGON

T.4S. R.1W., W.M



Well #1 is located 607'N & 812'W from the SE corner of DLC 59.
Well #2 is located 1000'N & 50'W from SE corner Section 30.

Final Proof Survey

RECEIVED

JAN 15 1999

WATER RESOURCES DEPT
SALEM, OREGON

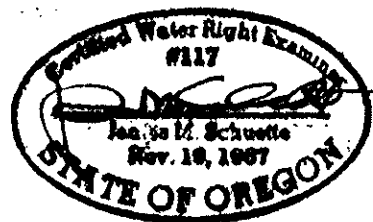
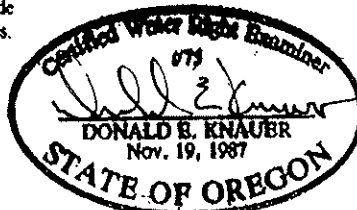
Application #: G-12423 Permit #: G-12536

In Name Of

Jesse C. Owre

Surveyed on December 15, 1998 by JM Schuette

This Map Was Prepared For The Purpose Of Identifying The
Location Of A Water Right Only And Is Not Intended To Provide
Legal Dimensions Or Location Of Property Ownership Lines.



T 10535

Review Checklist**T-10535****Processor: RA- Conservation Strategies****Application**

- ☒ The type of change is clearly indicated.
☒ The application is appropriately signed.
☒ Appropriate fees were paid. ☐ If overpayment, Refund Request to be sent with FO
☒ Land use form matches affected tax lots and is signed by proper official. (from ALL affected Govt's)
N/A ☐ Ditch company, district and/or BOR, sent a copy of the application and map, if appropriate.
☒ All required attachments received. *CWRE is accurate (POU)*

Water right subject to transfer

- ☒ Certificated right or Proof accepted "to the satisfaction..."
☒ The right been exercised according to terms & conditions of certificate.
☒ Delivery system has the capacity to fully divert the rate/duty of the right.
☒ No information in record that suggests forfeiture.
N/A ☐ No conflicts identified on the plat cards and plat card reports printed.
N/A ☐ Affidavits prepared for rights that need to be canceled or diminished.

Application Map

- ☒ The map has an original CWRE signature.
☒ The map size and scale accurate and appropriate per OAR 690-380-3100(1)(b)(c)&(d).
☒ All authorized and proposed POD's/POA's and POU's shown and clearly labeled.
☒ Metes and bounds for the POD's/POA's are properly described on the map.
☒ The POD/POA dimensions & 1/4 1/4 on map match the transfer application and certificate descriptions.
☒ Map acres match the tabulation on the certificate.
☒ Have final proof maps/deed maps for the rights. ☒ Application map matches certificate FPS.
NR ☐ Have necessary aerial photos.

Determining the "From" and "To" Lands (make working copy of application and certificates to mark on)

- ☒ Only the authorized POD's/POA's and POU's to be transferred are listed.
☒ Application & certificate tabulations match. (Mark on appl. and cert. copies and note corrections needed)
☒ Marked on certificate the acreage being transferred, cancelled and remaining by 1/4 1/4.

Ownership

- ☐ The deed/ROLI matches the "from" lands. (Don't need to check "to" lands.)
☐ Have current tax lot map. (If transfer application is several years old, contact assessor's office)
☐ The applicant is the owner of the "from" lands.
☐ All owners on the deed/ROLI have signed the application.
☐ If necessary, there is a notarized, signed statement of consent from landowners other than applicant.
☐ If necessary, there is a copy of written notification to each lien holder identified on ROLI.
☐ Agent has authorization to make decisions.

Evaluation

- Reviews/comments/conditions received? ☒ Watermaster ☐ ODFW ☒ GW
Headgate ☐ When in the judgment ☐ Prior to diverting ☐ Existing and maintain
Measuring Devices ☐ When in the judgment ☒ Prior to diverting ☒ Existing and maintain
Fish Screen Devices ☐

Injury: Y *(N)* Enlargement: Y *(N)*

Conditions to avoid enlargement/injury -

*install totalizer on each well***Materials needed for peer reviewer**

- ☒ application marked ☒ transfer map ☐ Water right map (if marked) ☒ certificate marked - *Δ Nursery*
☐ deed/ROLI (if marked) ☒ plat card marked printout (if POU or Use change)
☒ other processing notes

RECEIVED**OCT 02 2008****WATER RESOURCES DEPT.
SALEM, OREGON**

LINE TYPES

TAX LOT BOUNDARY	OLD PROPERTY LINE
ROAD RIGHT-OF-WAY	VACATED RIGHT-OF-WAY
RAILROAD	RAILROAD RIGHT-OF-WAY
STREAM, LAKE, ETC. TAX LOT BOUNDARY	STREAM, LAKE, ETC. NON-BOUNDARY
SUBDIVISION BOUNDARY	PARTITION PLAT BOY.
TAX CODE BOUNDARY	EASEMENT

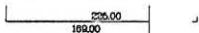
D.L.C.		
CONTROL POINTS		
SURVEY MONUMENTS		
C.L.O. CORNERS		
SECTION	1/4 SEC	1/16 SEC
	1/4 COR	1/16 COR

NUMBERS

TAX CODE NO. 000 00 00 0

ACREAGE - ALL ACREAGES EXCLUDE
ANY PORTION THAT MAY LIE
WITHIN THE INDICATED PUBLIC
RIGHT OF WAYS.

TICK MARKS - WHEN A TICK MARK IS INDICATED ON THE EXTENSION OF A LINE, THEN THE DIMENSION GOES TO THE TICK MARK. GENERALLY THIS IS USED WHEN DIMENSIONS GO INTO PUBLIC RIGHT OF WAYS.



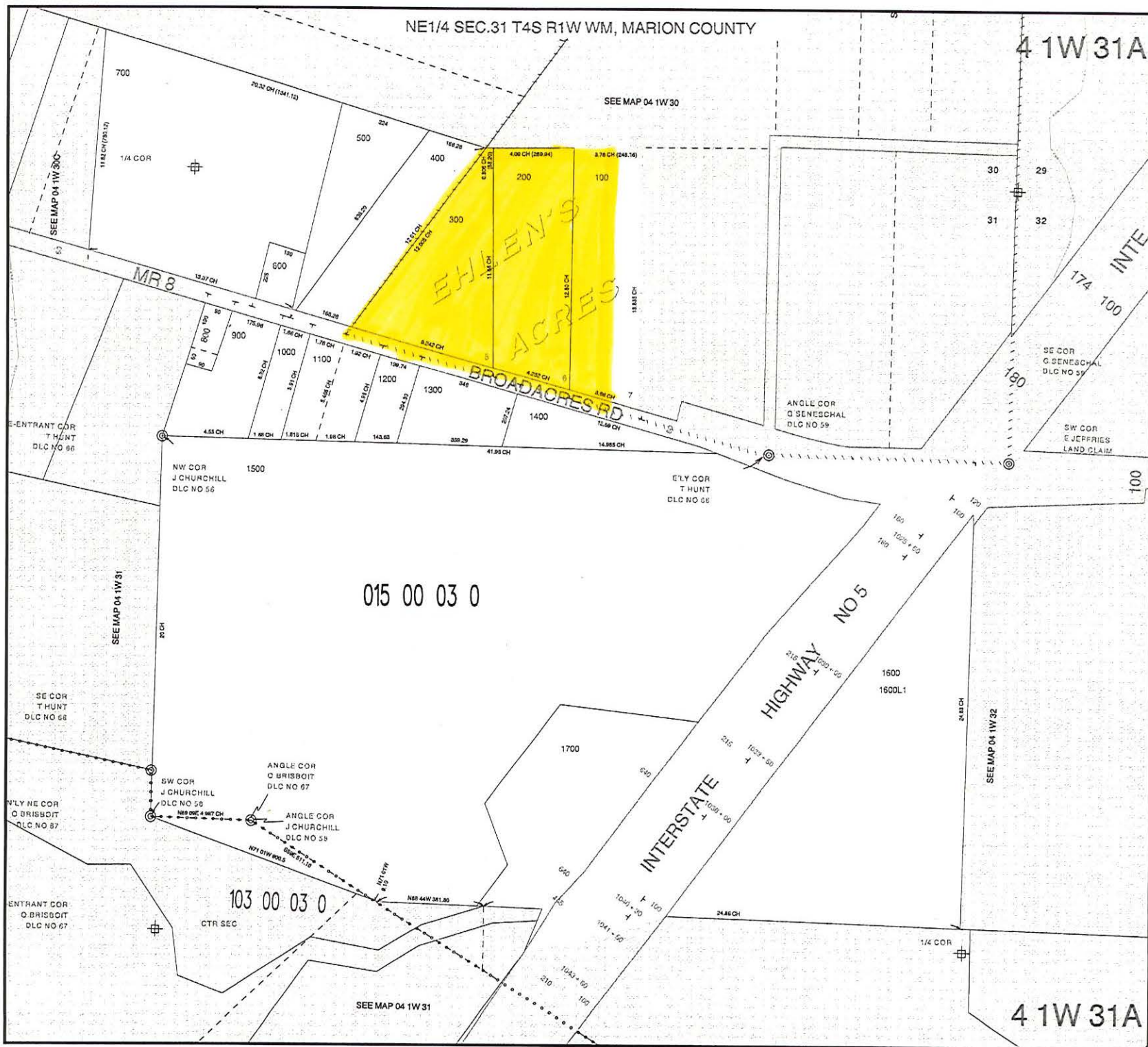
ARROWS ARE USED WITH DIMENSIONS
IN AREAS OF GREATER COMPLEXITY.

NOTICE: This map was created for Assessor's Office use ONLY.



SCALE 1" = 200'
or 1:2400

Plot file created: July 27, 2004
/arimage/041w31a.tif cmckee





Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

September 30, 2008

DON KNAUER
PO BOX 5416
SALEM, OR 97304

REFERENCE: Request for Additional Information Related to Transfer Applications T-10532 and T-10533 and Ground Water Registration Modification Application T-10534

Dear Mr. Knauer:

Thank you for submitting the requested reports of ownership and lien information for Transfer Applications T-10532, T-10533 and T-10535 and Ground Water Registration Modification Application T-10534.

No additional information is necessary for Transfer T-10535. For Transfers T-10532 and T-10533 and GR Modification T-10534, however, additional information is needed in order to establish that all subsequent purchasers of land involved in the "FROM" lands (specific to Lots 1 and 2 Town Center at Woodburn) were sufficiently noticed that the land they were purchasing did not include any water rights. A detailed description of the Department's request is outlined below:

1. Limited Lot Book Service – Order No. 7089-1271102:

Involving: Lots 1 through 39, inclusive, Tract A and Tract B, Evergreen Meadows in the City of Woodburn, County of Marion, State of Oregon. (Plat 46-43)

Formerly known as Lot 1 of Town Center at Woodburn, Marion County, Oregon. (Plat 45-72)

The Limited Lot Book Service report you provided clearly shows that K & R Holdings Evergreen Meadows, LLC was the owner of the above-described land at the time they signed a Quit Claim Deed (dated December 7, 2007) conveying all appurtenant water rights to Capital Development Company.

Since the Quit Claim Deed was signed on December 7, 2007, however, the above-described land has been subdivided and parcels have been sold. The Department must be able to establish that all of the owners that purchased property subsequent to the signing of the Quit Claim Deed received sufficient notice that the property they were purchasing did not include any water rights. The Department does not currently have adequate information to make such a determination.

At this time, the Department must receive additional information demonstrating that all of the subsequent owners of the above-described land received sufficient notice that the property they were purchasing did not include any water rights.



Examples of additional documentation that may establish sufficient notice was provided to all purchasers subsequent to December 7, 2007 when the Quit Claim Deed was signed includes, but is not limited to, the following:

- A copy of the Quit Claim Deed that has been recorded in Marion County's deed records (or some other verification from the county indicating the document has been recorded.); or
- A copy of property sale documentation for each of these parcels of land no longer owned by K & R Holdings Evergreen Meadows, LLC that clearly states that the land being purchased does not include any water rights; or
- A statement from all owners of land no longer owned by K & R Holdings Evergreen Meadows, LLC that they consent to proposed Transfers T-10532 and T-10533 and Ground Water Registration Modification T-10534; or
- Some other documentation to demonstrate that all of the owners that purchased property subsequent to the signing of the Quit Claim Deed on December 7, 2007 received sufficient notice that the property they were purchasing did not include any water rights.

2. **Limited Lot Book Service – Order No. 7089-1271109:**

Involving: Lots 147 through 234, inclusive, Montebello 3 in the City of Woodburn, Marion County, Oregon. (Plat 46-72)

Formerly Lot 2 Town Center at Woodburn, Marion County, Oregon. (Plat 45-72)

The Limited Lot Book Service report you provided clearly shows that Montebello Estates I, LLC was the owner of the above-described land at the time they signed a Quit Claim Deed (dated January 28, 2008) conveying all appurtenant water rights to Capital Development Company.

Since the Quit Claim Deed was signed on January 28, 2008, however, the above-described land has been subdivided and parcels have been sold. The Department must be able to establish that all of the owners that purchased property subsequent to the signing of the Quit Claim Deed received sufficient notice that the property they were purchasing did not include any water rights. The Department does not currently have adequate information to make such a determination.

At this time, the Department must receive additional information demonstrating that all of the subsequent owners of the above-described land received sufficient notice that the property they were purchasing did not include any water rights.

Examples of additional documentation that may establish sufficient notice was provided to all purchasers subsequent to January 28, 2008 when the Quit Claim Deed was signed includes, but is not limited to, the following:

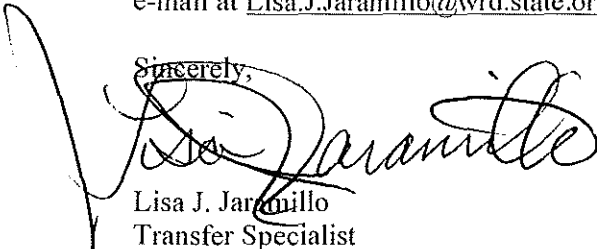
- A copy of the Quit Claim Deed that has been recorded in Marion County's deed records (or some other verification from the county indicating the document has been recorded.); or
- A copy of property sale documentation for each of these parcels of land no longer owned by Montebello Estates I, LLC that clearly states that the land being purchased does not include any water rights; or

- A statement from all owners of land no longer owned by Montebello Estates I, LLC that they consent to proposed Transfers T-10532 and T-10533 and Ground Water Registration Modification T-10534; or
- Some other documentation to demonstrate that all of the owners that purchased property subsequent to the signing of the Quit Claim Deed on January 28, 2008 received sufficient notice that the property they were purchasing did not include any water rights.

Please submit the requested information to the Department by **Friday, November 7, 2008**. If we do not receive the requested items by that date, a Preliminary Determination *may* be issued denying the applications.

If I may be of any assistance, please don't hesitate to contact me by telephone at (503) 986-0880 or by e-mail at Lisa.J.Jaramillo@wrd.state.or.us.

Sincerely,



Lisa J. Jaramillo
Transfer Specialist
Field Services Division

cc: Thomas DeArmond, 11463 Broadacres Road NE, Hubbard, OR 97032
Capital Development Corp., Attn: John R. Donaldson, 711 Sleater-Kinney Road SE, Lacey, WA 98503



Oregon

Theodore R. Kulongoski, Governor

T-10535

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

August 13, 2008

Don Knauer
PO Box 5416
Salem, OR 97304

REFERENCE: Transfer Applications T-10532, T-10533, T-10535 and Ground
Water Registration Modification T-10534

Dear Mr. Knauer:

During our telephone conversation on August 8, 2008, you requested the Department's statutory authority to ask for copies of recorded quit claim deeds if pursuing reports of ownership and lien information prepared as of the date of the quit claim deeds. I am currently researching the basis for the Department's position on the importance of recorded water right conveyance agreements and will follow up with a letter in the near future.

In the meantime, please place your request to the title company for reports of ownership and lien information on hold until you receive the Department's follow up letter mentioned above.

Thank you for your cooperation in this matter. Please don't hesitate to contact me by telephone at 503-986-0880 or by e-mail at Lisa.J.Jaramillo@ wrd.state.or.us if you have any further questions or concerns.

Sincerely,



Lisa J. Jaramillo
Transfer Section
Field Services Division

cc: Mike McCord, Watermaster Dist. #16
Thomas DeArmond, 11463 Broadacres Road NE, Hubbard, OR 97032
Capital Development Corp., Attn: John R. Donaldson, 711 Sleater-Kinney Road SE, Lacey, WA 98503
GSI Water Solutions, Inc., Attn: Jeff Barry, 55 SW Yamhill Street, Suite 400, Portland, OR 97204



T-10535

Capital Development Company

RECEIVED

AUG 01 2008

WATER RESOURCES DEPT
SALEM, OREGON

July 29, 2008

Ms. Lisa Jaramillo
Oregon Water Resources Department
725 Summer Street NE Suite A
Salem, Oregon 97301-1271

Subject: Transfer T-10532 thru T-10535

Dear Ms. Jaramillo,

Pursuant to your letter dated July 22, 2008 to Don Knaur, Capital Development Company consents to the proposed modification (T-10534) for the portion of the groundwater registration claim (located on Lots 13 and 14, Town Center at Woodburn, Marion County, Oregon) that is NOT included on the map attached to the July 16, 2007 Water Rights Purchase Agreement. Furthermore Capital Development consents to any other modification described in the transfer applications submitted by Mr. Knaur.

Please contact me at (360)-491-6850 if you have any questions.

Sincerely,

John Donaldson
Senior Vice President

CC: Jeff Barry/GSI
Don Knauer



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

July 22, 2008

DON KNAUER
PO BOX 5416
SALEM, OR 97304

REFERENCE: Required Reports of Ownership and Lien Information for Transfer Applications T-10532, T-10533 and T-10535 and Ground Water Registration Modification Application T-10534

Dear Mr. Knauer:

As we discussed during our telephone conversation on July 11, 2008, I have prepared a detailed listing to identify the appropriate dates for which the various Reports of Ownership and Lien Information should be prepared. As you requested, a copy of the maps used to plot the deeds and determine the dates for the ownership information reports is enclosed for your use. I have also identified a few other items that need further attention. Please provide the following:

1. **Land Use Information Form:**

The Land Use Information Form submitted for Transfer Applications T-10532, T-10533 and T-10535 and Modification Application T-10534 (*copy enclosed*) references Tax Lot 300 in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, T. 4S, R. 1W, WM. Review of the applications and maps however, indicate that the "TO" lands in Section 29 are actually located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$. Therefore, please submit a new land use form signed by the County that includes the NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 29, T. 4S, R. 1W, W.M.

2. **Copies of Recorded Quitclaim Deeds:**

Copies of several quitclaim deeds were submitted to the Department along with the applications for transfer and modification. Some of those quitclaim deeds, however, do not contain any official stamp or marking indicating that they have been properly recorded in the county deed records. Please provide a copy of the actual documents that have been recorded in Marion County's deed records (*or some other form of verification from the county indicating the documents have been recorded*) for the following quitclaim deeds:

- a. Quitclaim deed dated January 28, 2008, assigning interest in water rights appurtenant to land described as Lot 2, Town Center at Woodburn, Marion County, Oregon from Montebello Estates I, LLC to Capital Development Company;
and
- b. Quitclaim deed dated December 7, 2007, assigning interest in water rights appurtenant to land described as Lot 1, Town Center at Woodburn, Marion County, Oregon from K & R Holdings Evergreen Meadows, LLC to Capital Development Company.

3. *Copy of Recorded Statutory Special Warranty Deed:*

A copy of a statutory special warranty deed was submitted to the Department along with the applications for transfer and modification. The deed, however, does not contain any official stamp or marking indicating that it has been properly recorded in the county deed records. Please provide a copy of the actual document that has been recorded in Marion County's deed records *(or some other form of verification from the county indicating the documents have been recorded)* for the following deed:

- a. Statutory Special Warranty Deed dated January 11, 2007, in which Capital Development Company conveyed land described as Lots 5 and 6, Town Center at Woodburn, Marion County, Oregon to KWDS, LLC, but retained their interest in the water rights appurtenant to the land.

4. *Clarification of the Water Rights Purchase Agreement dated July 16, 2007:*

The Water Rights Purchase Agreement dated July 16, 2007, between Capital Development Company and Tom DeArmond does not specify where the "certain valid water rights" are located. A map attached to the agreement does however, illustrate where "water rights valid for transfer" are located.

Based upon review of this information provided to the Department, it is clear that all of the "FROM" lands involved in Transfers T-10532 and T-10533 are included on the map attached to the July 16, 2007 Water Rights Purchase Agreement, and therefore can be considered as part of the agreement.

However, *only a portion* of the "FROM" lands involved in ground water registration modification T-10534 are included on the map attached to the July 16, 2007, Water Rights Purchase Agreement. The portion of the ground water registration proposed for modification that is NOT included on the map attached to the agreement is located in Lots 13 and 14, Town Center at Woodburn, Marion County, Oregon.

Therefore, please provide either of the following for Ground Water Registration Modification Application T-10534:

- a. An amended Water Rights Purchase Agreement (or any existing written agreement) between Capital Development Company and Tom DeArmond that clearly identifies that all parts of the ground water registration claim proposed for modification that are located on any and all portions of Lots 13 and 14, Town Center at Woodburn, Marion County, Oregon are included in the agreement;
- or
- b. A written statement from Capital Development Company consenting to the proposed modification (T-10534) for the portion of the ground water registration claim (located on Lots 13 and 14, Town Center at Woodburn, Marion County, Oregon) that is NOT included on the map attached to the July 16, 2007 Water Rights Purchase Agreement.

5. **Reports of Ownership and Lien Information for T-10532, T-10533 & T-10534:**

As required by OAR 690-380-4010(5) for transfers and OAR 690-382-0700(5) for ground water registration modifications, a report of ownership and lien information for the land to which the water rights are appurtenant, prepared within the prior three months, must be submitted to the Department.

Below is a table that describes all of the "FROM" lands involved in Transfers T-10532 and T-10533, as well as Modification T-10534. The table is organized by lot number and indicates the appropriate date for which the Report of Ownership and Lien Information should be prepared for each lot number and identifies the associated transfer and/or modification application(s).

Lot Number (within Town Center at Woodburn, Marion Co., OR)	ROLI to be Prepared for the Date Specified Below	Transfer Number (involves land within the specified Lot Number)
1	12-7-07	T-10533 & T-10534
2	1-28-08	T-10533 & T-10534
3	12-31-03	T-10532
4	12-31-03	T-10532
5	12-31-03	T-10532
6	12-31-03	T-10532 & T-10533
7	12-31-03	T-10532
8	12-31-03	T-10532
9	12-31-03	T-10532
10	12-31-03	T-10532
11	12-31-03	T-10532 & T-10533
12	12-31-03	T-10532, T-10533 & T-10534
13	12-31-03	T-10534
14	12-31-03	T-10534

6. **Report of Ownership and Lien Information for T-10535:**

As required by OAR 690-380-4010(5) for transfers, a report of ownership and lien information for the land to which the water rights are appurtenant, prepared within the prior three months, must be submitted to the Department.

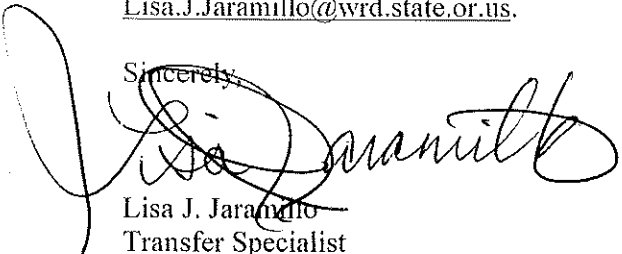
Below is a table that describes all of the "FROM" lands involved in Transfers T-10535. The table is arranged by township, range, section, quarter-quarter section and tax lot. *(A copy of the county tax lot maps used to determine the "FROM" lands are enclosed for your reference.)*

Twtp	Rng	Mer	Sec	¼ ¼	Tax Lot Number
4 S	1W	WM	29	NE SW	300
4 S	1W	WM	29	NW SW	
4 S	1W	WM	29	SW SW	
4 S	1 W	WM	32	NW NW	
4 S	1 W	WM	30	NE SE	900
4 S	1 W	WM	30	SE SE	
4 S	1 W	WM	31	NW NE	100
4 S	1 W	WM	31	NW NE	200
4 S	1 W	WM	31	NW NE	300

Please submit the requested materials to the Department by **Tuesday, August 12, 2008**. If we do not receive the requested items by that date, a Preliminary Determination *may* be issued denying the applications.

If you have any questions, please feel free to contact me by telephone at (503) 986-0880 or by e-mail at Lisa.J.Jaramillo@wrd.state.or.us.

Sincerely,



Lisa J. Jaramillo
Transfer Specialist
Field Services Division

cc: Thomas DeArmond, 11463 Broadacres Road NE, Hubbard, OR 97032
Capital Development Corp., Attn: John R. Donaldson, 711 Sleater-Kinney Road SE, Lacey, WA 98503

Lisa Jaramillo

T-10535

From: Don Knauer [donknauer@comcast.net]
Sent: Wednesday, July 02, 2008 2:50 PM
To: Dorothy Pedersen; Lisa Jaramillo
Cc: Tom DeArmond
Subject: Tom DeArmond transfers T-10532 and up

Dorothy & Lisa,

I am working on the items you requested in your letters of June 11, 2008. We are in the process of getting the title insurance co. report of ownership. This is to let you know that we may not have the report by the July 14, 2008 date you set. We ask that if we do not make that date you allow a week or so more to comply.
Thanks for your consideration.

Don Knauer

11/4/2008



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

June 11, 2008

Thomas H. DeArmond
11463 Broadacres Road NE
Hubbard, OR 97032
503-981-0319

SUBJECT: Application T-10535

Enclosed find a draft of our Preliminary Determination regarding transfer application T-10535. The document reflects the Department's conclusion that, based on the information currently available, the transfer will be approved. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so. Please review the draft carefully to evaluate whether the document is consistent with your intent in seeking the transfer, and whether you agree with the proposed action.

At this time, you must submit a report of ownership and lien information for the lands to which the water right is appurtenant (the FROM lands) that has been prepared within the last three months by a title company. You will need to submit a notarized statement of consent from any landowner listed in the report who is not already included in the transfer application. If there are additional lienholders identified in the report that have not previously been notified of the transfer, you must send notice of the transfer to them, and submit copies of each such notice to the Department to document that each lienholder has been informed of the transfer.

Also, it appears that the Land Use Information Form references Tax Lot 300 in the SW NW of Section 29, when the "to" lands are in the NW SW of Section 29. Please submit a new form signed by the County that includes the correct quarter-quarter sections. ~~NE SW~~ & ~~SW SW~~ (T.L. 300)

- per 7-21-08

Because of the change in character of use, the applicant is responsible for publishing notice of the transfer in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We will provide a copy of the required notice to you upon issuance of the Preliminary Determination.

Issuance of the Preliminary Determination will occur shortly after we receive both your written response and the report of ownership and lien information. If we do not receive your response and the report by July 14, 2008, a Preliminary Determination may be issued denying the application as incomplete.

Please do not hesitate to contact me at 503-986-0890 or Dorothy.I.Pedersen@ wrd.state.or.us if I may be of assistance.

Sincerely,

Dorothy Pedersen
Field Services Division

cc: Mike McCord, District 16 Watermaster
Don Knauer, CWRE #75

enc



**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application
T-10535, Marion County

) **D R A F T**
)
) PRELIMINARY DETERMINATION
) PROPOSING APPROVAL OF A
) CHANGE IN CHARACTER OF USE
) AND AN ADDITIONAL POINT OF
) APPROPRIATION

Authority

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

Thomas H. DeArmond
11463 Broadacres Road NE
Hubbard, OR 97032

Findings of Fact

Background

1. On February 12, 2008, Thomas DeArmond filed an application to change the use and create an additional point of appropriation under Certificate 83086. The Department assigned the application number T-10535. Transfer applications T-10532, T-10533, T-10534, and T-10535 were filed at the same time, are interrelated, and will be processed concurrently.
2. The right to be transferred is as follows:

Certificate: 83086 in the name of THOMAS H. DE ARMOND (perfected under Permit G-12536)

Use: IRRIGATION of 103.55 ACRES

Priority Date: FEBRUARY 20, 1991 FOR 1.11 CFS AND SEPTEMBER 2, 1992 FOR 0.18 CFS

Rate: Not to exceed 1.29 CUBIC FEET PER SECOND (CFS) in any combination, being 0.45 cfs from Well #1 and 1.09 cfs from Well #2

Source: TWO WELLS in the SENECA CREEK BASIN

Season of Use: MARCH 1 THROUGH OCTOBER 31

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
4 S	1 W	WM	30	SE SE	59	Well #2: 1000 FEET NORTH AND 50 FEET WEST FROM THE SOUTHEAST CORNER OF SECTION 30
4 S	1 W	WM	31	NE NE	59	Well #1: 607 FEET NORTH AND 812 FEET WEST FROM THE SOUTHEAST CORNER OF DLC 59

Authorized Place of Use:

IRRIGATION							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
4 S	1 W	WM	29	NE SW	--	58	2.30
4 S	1 W	WM	29	NW SW	--	59	0.30
4 S	1 W	WM	29	NW SW	--	58	23.10
4 S	1 W	WM	29	SW SW	--	59	1.50
4 S	1 W	WM	29	SW SW	3	--	11.60
4 S	1 W	WM	29	SW SW	--	58	6.90
4 S	1 W	WM	30	NE SE	--	59	4.00
4 S	1 W	WM	30	NE SE	--	58	1.40
4 S	1 W	WM	30	SW SE	--	59	4.60
4 S	1 W	WM	30	SE SE	--	59	35.50
4 S	1 W	WM	31	NW NE	--	59	10.65
4 S	1 W	WM	32	NW NW	2	--	1.70

3. Application T-10535 also proposes to add a point of appropriation (an existing well) for all lands listed above. The new point of appropriation is approximately 0.1 mile from the nearest existing point of appropriation and will be located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
4S	1W	WM	31	NE NE	59	Well# 3: 220 FEET NORTH AND 400 FEET WEST FROM THE SOUTHEAST CORNER OF DLC 59

4. Application T-10535 also proposes to change the character of use for only a portion of the acres listed in Finding #2, above to NURSERY. Specifically, 53.4 acres listed below, (0.67 cfs, limited to 133.5 acre-feet per year, priority date February 20, 1991) are to be changed to nursery use.

NURSERY USE							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
4 S	1 W	WM	29	NE SW	--	58	2.30
4 S	1 W	WM	29	NW SW	--	59	0.30
4 S	1 W	WM	29	NW SW	--	58	23.10
4 S	1 W	WM	29	SW SW	--	59	0.70
4 S	1 W	WM	29	SW SW	3	--	6.20
4 S	1 W	WM	29	SW SW	--	58	6.90
4 S	1 W	WM	30	NE SE	--	59	4.00
4 S	1 W	WM	30	NE SE	--	58	1.40
4 S	1 W	WM	30	SE SE	--	59	8.50

5. Additional nursery rights are proposed for transfer onto these same lands under T-10533 (14.2 acres) and T-10534 (39.2 acres) to create stacked primary nursery rights with a combined maximum duty of 5.0 acre-feet per acre (2.5 acre-feet per acre under each right).
6. Notice of the application for transfer was published on February 19, 2008, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.

Transfer Review Criteria (OAR 690-380-4010)

7. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
8. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10535.
9. The proposed change would not result in enlargement of the right.
10. The proposed change would not result in injury to other water rights.

Determination and Proposed Action

The change in use and the additional point of appropriation proposed in application T-10535 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved, provided that concurrent changes to layered rights proposed under Transfer Application T-10533 and Groundwater Registration Modification T-10534 are approved.

If application T-10535 is approved, the final order will include the following:

1. *The change in use and create an additional point of appropriation proposed in application T-10535 are approved.*
2. *Water right certificate 83086 is cancelled.*
3. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 83086 and any related decree.*
4. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
5. *The quantity of water diverted at the additional point of appropriation, together with that diverted at the original points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.*

6. *That portion of the place of use changed to nursery use shall be further limited to 0.67 cfs (priority date February 20, 1991), with an annual duty of 2.5 acre-feet per acre (a total of 133.5 acre-feet) over the course of the authorized season of use.*
7. *Prior to diverting water, the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain and operate the measuring device as required by the Department.*
8. *The approved changes shall be completed and full beneficial use of the water shall be made on or before October 1, 2009. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
9. *When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this ____ day of _____ 2008.

D R A F T

Phillip C. Ward, Director

This draft Preliminary Determination was prepared by a Reimbursement Authority contractor. If you have questions about the information in this document, you may reach Dorothy Pedersen at 503-986-0890 or Dorothy.I.Pedersen@wrd.state.or.us.



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment 2/19/2008

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice.

County: MARION
Transfer: 10535
Water Right: CERT 83086
Priority Date: 1991
Name: THOMAS DEARMOND
Address: 11463 BROADACRES ROAD NE, HUBBARD, OR 97032
Change: APOA, USE
Source: WELLS
Authorized POA: T4S, R1W, 31, 30
Proposed APOA: T4S, R1W, 31
Authorized USE: T4S, R1W, 29, 30 IRRIGATION
Proposed USE: T4S, R1W, 29, 30 NURSERY USE

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. Comments should be sent to the Transfers Section at the Department's Salem office.

ORIGINALS

Transfer Application and Map

Amendments/Revisions to Appl & Map

Receipt

Deed or Lot Book Report

Notarized Consent

Evidence of Use Affidavit

Land Use Information Form

Lien Holder Notification *(if applicable)*

Report of Ownership and Lien Info *(if applicable)*

&

Other Supporting Documentation



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Application for Water Right Transfer

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "N/A" to indicate "Not Applicable." As you complete this form, please refer to notes and guidance included on the application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. TYPE OF TRANSFER APPLICATION

Please check one	
☒ Permanent Transfer	☐ Instream Transfer
☐ Temporary Transfer (1 to 5 yrs.)	☐ Permanent
• total number of years: _____	☐ Time-Limited
(begin year: _____)	☐ Drought Transfer
(end year: _____)	☐ Other

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2. APPLICANT INFORMATION

Name: Thomas H. DeArmond
First Last
Address: 11463 Broadacres Road NE
Hubbard Oregon 97032
City State Zip
Phone: 503-981-0319
Home Work Other
Fax: _____ E-Mail address: _____

3. AGENT INFORMATION

(The agent listed is authorized to represent the applicant in all matters relating to this transfer application.)

Name: Don Knauer
First Last
Address: PO Box 5416
Salem Oregon 97304
City State Zip
Phone: 503-508-7862
Home Work Other
Fax: _____ E-Mail address: _____

- If an agent is listed above, please check one of the following:
- ☐ Please send all correspondence to Agent. Send *copies* of correspondence to Applicant; or
 - ☒ Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.

4. PROPOSED CHANGE(S) TO WATER RIGHT(S)

- List **all** water rights to be affected by this transfer. Indicate the certificate, permit, decree or other identifying number(s) in the table below: *(Attach additional pages as necessary.)*

	Application / Decree	Permit / Previous Transfer	Certificate
1.		G-12423	83086
2.			
3.			
4.			
5.			
6.			

- Attach a **separate Supplemental Form A** (*Description of Proposed Change(s) to a Water Right*) for **each** water right listed above.

- Check **all** proposed change(s) included in this transfer application:

- ☐ Place of Use ☐ Point of Diversion (POD) ☒ Additional Point of Diversion
☒ Character of Use ☐ Point of Appropriation (POA, or well) ☐ Additional POA
☐ Instream Transfer ☐ Surface Water POD to Ground Water POA
☐ Substitution of Supplemental Groundwater right for Primary Surface water right
☐ Historic POD change ☐ Other

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- Reason(s) for change(s): Land use is changing.

5. WATER DELIVERY SYSTEM

- Describe the **current** water delivery system or the system that **was in place** at some time within the last 5 years. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. If the transfer involves multiple rights that have independent systems, describe each system separately.

The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right.

Well 1:25 HP elec motor, turbine pump. Well 2:50Hp elec motor with turbine pump

Both wells are piped together. There are 2500' of 5" & 6" mainline, 4400' 3" handlines

with 5/32 X 0" sprinklers.

- System capacity: 1.76 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

6. EVIDENCE OF BENEFICIAL WATER USE

- Attach one or more **Evidence of Use Affidavits** (Supplemental Form B) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years in accordance with the terms and conditions of the right or that a presumption of forfeiture for non-use could be rebutted. The Evidence of Use Affidavit(s) **must include supporting documentation** such as the following:
 - ▶ Copies of receipts from sales of irrigated crops or for expenditures relating to use of water;
 - ▶ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers;
 - ▶ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish location and date of the photograph; *or*
 - ▶ If the right has not been used during the past five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610(2).

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7. AFFECTED DISTRICTS

- Are any of the water rights proposed for transfer located within or served by an irrigation or other water district? ☐ Yes ☒ No
- Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer? ☐ Yes ☒ No
- Is water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity? ☐ Yes ☒ No

If "Yes", for any of the above, list the name and mailing address of the district, agency and/or entity:

8. LOCAL GOVERNMENTS

- List the name and mailing address of all local governments (i.e., each county, city, municipal corporation, or tribal government within whose jurisdiction water will be diverted, conveyed or used).

Marion County

555 Court Street NE

Salem Oregon 97309

9. LAND OWNERSHIP

- Does the applicant own the lands **FROM** which the right is being transferred? ☒ Yes ☐ No

If "No", provide the following information. For Temporary Transfers, also include a notarized statement granting consent to the transfer from each of the landowners (for Permanent Transfers see Section 12(c)):

Names of Current Landowner(s): _____
First Last

Address: _____

City State Zip

- Does the applicant own the lands **TO** which the right is being transferred?

☒ Yes ☐ No ☐ N/A - NOT APPLICABLE TO INSTREAM TRANSFERS

If "No", provide the following information:

Names of Receiving Landowner(s): _____
First Last

Address: _____

City State Zip

- Check one of the following:

☐ The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.

☒ The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.

☐ N/A. (Not applicable. Application is for an Instream Water Right Transfer.)

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10. Other Remarks (optional)

This transfer application is associated with three other transfer applications being filed at the same time. We request that all four applications, as much as possible, be processed by the same reviewer and that all four draft preliminary determinations be issued at the same time.

see: T- 10532, T- 10533, T- 10534

11. ATTACHMENTS

Check each of the following attachments included with this application.
The application will be returned if all required attachments are not included.

Supplemental Form A –

Description of Proposed Change(s) to a Water Right

- ☒ A separate Supplemental Form A is enclosed for each water right to be affected by this transfer.

Supplemental Form B –

Evidence of Use Affidavit(s)

- ☒ At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original (not a copy), and
- ☐ The Evidence of Use Affidavit must be accompanied by supporting documentation.

Map

☒ Water Right Transfer

The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.

☐ Temporary Transfer or Historical POD Change

A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner.

Water Well Report(s)/Well Log(s):

- ☒ The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.
- ☐ Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.
- ☐ N/A. The application does not involve a change in point of appropriation or a change from surface water to ground water, so water well reports are not required.)

Land Use Information For Proposed Changes:

For Instream Transfers:

- ☐ Notice of the intent to file an instream transfer application has been provided to each affected local government along the proposed reach, and copies of the notices are enclosed. (*For instream transfers a Land Use Information Form is not required.*)

For All Other Transfers:

- ☒ Land Use Information Form is enclosed; or
- ☐ All of the following criteria are met, therefore a Land Use Information Form is not required:
- ① In EFU zone or irrigation district,
 - ② Change in place of use only,
 - ③ No structural changes needed, including diversion works, delivery facilities, other structures, and
 - ④ Irrigation only.

Fees:

- ☐ Amount enclosed: \$ _____
- See the Department's Fee Schedule at www.wrd.state.or.us or call (503) 986-0900.

Instream Water Right Transfers, also include:

Supplemental Form C –

Instream Water Right Transfer

- ☐ Complete this form to describe the desired nature and attributes for the proposed instream water right.

Temporary Transfers, also include:

Recorded Deed:

- ☐ The applicant must submit a copy of the current deed of record for the land from which the authorized place of use or point of diversion/appropriation is being moved.

Affidavit of Consent:

- ☐ If the applicant is NOT the owner of record for the land from which the authorized place of use or point of diversion/appropriation is being moved, a notarized statement from the actual owner of record consenting to the proposed transfer must be submitted.

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Before submitting your application to the Department, be sure you have:

- Answered each question completely.
- Included all the required attachments.
- Provided original signatures for all named deed holders, or other parties, with an interest in the water right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

12. SIGNATURES

▪ Check one of the following, as appropriate, and sign the application in the signature box below:

- ☒ In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the transfer:

- (a) A report of ownership and lien information that has been prepared by a title company *within the last three months*;
- (b) A copy of written notification of the proposed transfer provided by the applicant to all lien holders on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. *If a water right conveyance agreement has been recorded for the subject lands, a copy of the agreement and identification of the owner of the lands at the time the agreement was recorded must be submitted; and*
- (c) If the landowner identified in the report of ownership and lien information is not the applicant, a notarized statement consenting to the transfer (attached) signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.

- ☐ I (we) affirm that interest in the water right has been conveyed to someone other than the landowner, and documents, including a water right conveyance agreement, report of ownership and lien information, and any required lienholder notification are enclosed, demonstrating that I am (we are) authorized to pursue the transfer. I (we) understand that we may be required to provide additional information upon receipt of the draft Preliminary Determination.

- ☐ I (we) affirm that the applicant is a municipality, as defined in ORS 540.510(3)(b), and that the right is in the name of the municipality or a predecessor. Therefore, pursuant to OAR 690-380-3000(13)(b), the applicant is NOT required to provide the above described report of ownership and lien information.

- ☐ I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the water right proposed for transfer is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-380-3000(13)(c), the applicant is NOT required to provide the above described report of ownership and lien information. (NOTE: Such an entity may only apply for a transfer under this subsection if it has filed a condemnation action to acquire the property.

- ☐ I (we) affirm that this is a temporary transfer and a copy of the deed for the "from" land (and affidavits of consent from any other landowners, if applicable) is enclosed.

▪ I (we) affirm that the information contained in this application is true and accurate.

<u>Tom DeArmond</u> applicant signature	<u>Tom DeArmond owner</u> name and title if applicable (print)	<u>2-12-08</u> date
_____ applicant signature	_____ name and title if applicable (print)	_____ date

Water Right Transfer Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only one water right per page. A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

- Certificate Number or other identifying number: 83086

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1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

Point of Diversion or Appropriation	Place of Use	Character of Use
☐ Change (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.) ☒ Additional (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) ☐ Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.) ☐ Surface Water to Ground Water (A new point of appropriation will be used <u>instead of</u> the old point of diversion. The old point of diversion will <u>not</u> be used.) ☐ Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.) ☐ Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	☐ All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) ☐ Only a portion of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	Proposed new use: ☐ Irrigation ☐ Municipal ☐ Quasi-municipal ☐ Commercial ☐ Industrial ☐ Instream (complete and attach <i>Supplemental Form C</i>) ☐ Domestic (indicate number of households) _____ ☒ Other <u>Nursery Use</u> ☐ Substitution (A supplemental ground water right will be substituted for a primary surface water right.) ☐ Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.)

2. CURRENT WATER RIGHT INFORMATION

Water Right Subject to Transfer (check and complete one of the following):

☒ Certificated Right	83086 Certificate Number	G-12423 Permit Number or Decree Name
☐ Adjudicated, Non-certificated Right	 Name of Decree	 Page Number
☐ Permit for which Proof has been Approved	 Permit Number	 Date Claim of Beneficial Use Submitted
☐ Transferred Right for which Proof has been Filed	 Previous Transfer Number	 Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: Thomas H. DeArmond
- County: Marion
- Authorized Use(s) to be Affected by Transfer: irrigation
- Priority Date(s): 2/20/1991 for 1.11 cfs & 9/2/1992 for 0.18 cfs

*If there are **multiple Priority Dates** identified on the water right, any information provided on pages 3 through 6 of this form **must identify** which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

- Source(s) of Water to be Affected by Transfer: Two wells

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Tributary to: Senecal Creek

*If there are **multiple Sources** listed on the water right, any information provided on pages 3 through 6 of this form **must identify** which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.*

For applications proposing a Change in Place of Use or Character of Use:

- Are there **Other Water Rights**, Permits or Ground Water Registrations associated with this land?

☐ Yes ☒ No ☐ N/A – No Change in Place of Use or Character of Use

If "Yes", what are the Permit, Registration or Certificate Numbers? _____

*Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer **must be included in the transfer or be cancelled**, except as provided in OAR 690-380-2240(5).*

■ Certificate Number or other identifying number: 83086

The following information must be provided only for those points of diversion or appropriation that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:

(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
MARI-875 OWRE Well 1	Two Wells 2/20/1991	4S	1W	WM	31	NENE	DLC 59	607'N & 812'W SE cor DLC 59
OWRE Well 2	Two Wells 2/20/1991				30	SESE	DLC 59	1000'N & 50'W SE cor sec 30

- Does the water right being transferred involve a ground water source(s)?

☒ Yes ☐ No (Surface water source only.)

If "Yes", for each authorized point of appropriation (well) involved, you must either:

- A. Supply a copy of the well log(s) for each point of appropriation that is clearly labeled and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

or

- B. If a well log is not available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)

Wells in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

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▪ Certificate Number or other identifying number: 83086

Will the ENTIRE water right be affected by this transfer? ☒ Yes ☒ No

If "Yes", the remainder of this page does not need to be completed. Go on to the next page.

If “No”, the following information must be provided only for those places of use that are involved in the transfer (i.e., list only the portion of the water right to be affected by the change.) Attach additional pages as necessary.

*Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing water right.*

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Location of Existing Authorized Place of Use to be Affected:

(i.e., the allowed lands listed on the water right that will be affected by the proposed transfer, the "FROM" lands)

[illegible]

▪ Certificate Number or other identifying number: 83086

Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Place of Use: (i.e., the "TO" lands) ☐ N/A – Instream Water Right Transfer

(NOTE: Complete this table only if a Change in Place of Use is being proposed.)

[illegible]

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Remarks: The intention is to change this irrigation water right to nursery use by adding an equal amount of irrigation acreage to this property. Therefore 53.4 acres will change to Nursery Use when the associated transfers are allowed. See T-10532, T-10533, T-10534-

▪ Certificate Number or other identifying number: 83086

3. PROPOSED CHANGES TO THE WATER RIGHT

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation:

(i.e., the "TO" point(s) of diversion or appropriation)

☐ N/A – Instream Water Right Transfer

(NOTE: Complete this table only if a Change in Point of Diversion or Appropriation is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
OWRE Well 3	4A	1W	WM	31	NENE	DLC 59	220'N & 400'W of SE cor DLC 59

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- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? ☒ Yes ☐ No ☐ N/A - No proposed well(s) listed above.

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SALEM, OREGON

If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are not available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

If "No", describe the anticipated construction for the proposed well(s) in the following table:

Construction of Proposed Point(s) of Appropriation or Well(s)

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

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OWR - Well #2

WELL #2 CONSTRUCTION INFORMATION

The well was constructed by a previous land owner.

The well is approximately 130' in depth.

There is a 12" steel casing at land surface.

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SALEM, OREGON**

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JAN 23 2006

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STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765 & OAR 690-205-0210)

WELL LABEL # L 75918

START CARD # 163498

(1) LAND OWNER

Owner Well I.D. OWR 60942

First Name Tom Last Name DeArmond
Company Oregon Turf & Trees
Address 18381 Boones Ferry Rd. NE
City Hubbard State OR Zip 97032

(2) TYPE OF WORK ☒ New Well ☐ Deepening ☐ Conversion
☐ Alteration (repair/recondition) ☐ Abandonment

(3) DRILL METHOD

☐ Rotary Air ☐ Rotary Mud ☒ Cable ☐ Auger ☐ Cable Mud
☐ Reverse Rotary ☐ Other

(4) PROPOSED USE

☐ Domestic ☒ Irrigation ☐ Community
☐ Industrial/ Commercial ☐ Livestock ☐ Dewatering
☐ Thermal ☐ Injection ☐ Other

(5) BORE HOLE CONSTRUCTION

Special Standard ☐ Attach copy

Depth of Completed Well 306.66 ft.

BORE HOLE			SEAL			Amt	sacks/ lbs
Dia	From	To	Material	From	To		
20	0	6	Bentonite Chips	0	6	10	S
20	6	80	Cement	6	80	86	S
16	80	308					

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E

☐ Other

Backfill placed from 246.66 ft. to 306.66 ft. Material gravel

Filter pack from 246.66 ft. to 306.66 ft. Material gravel Size 4/10

Explosives used: ☐ Yes Type Amount

(6) CASING/LINER

Casing	Liner	Dia	+	From	To	Gauge	Stl	Pisto	Wld	Thrd
☒	☐	16	☒	1	244.62	.375	☒	☐	☒	☐
☐	☐	12	☒	1.75	246.66	.250	☐	☐	☐	☐
☐	☐	12	☐	300.66	306.66	.250	☐	☐	☐	☐

Shoe ☒ Inside ☐ Outside ☐ Other Location of shoe(s) 244.62

Temp casing ☐ Yes Dia From To

(7) PERFORATIONS/SCREENS

Perforations Method

Screens Type v wire

Material stainless steel

Perf/	Casing/Screen	Screen Liner	Dia	From	To	Screen/slot width	Slot length	# of slots	Tele/ pipe size
Screen		12	246.66	275.66	.07				12
Screen		12	275.66	300.66	.125				12

(8) WELL TESTS: Minimum testing time is 1 hour

☒ Pump ☐ Bailor ☐ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
1,175	38.6	110	1
1,175	42	114	3
1,175	42.3	114	4

Temperature 53 °F Lab analysis ☐ Yes By

Water quality concerns? ☐ Yes (describe below)

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)

County MARION Twp 4 S N/S Range 1 W E/W WM

Sec 32 NW 1/4 of the NW 1/4 Tax Lot 900

Tax Map Number Lot

Lat or DMS or DD

Long or DMS or DD

☒ Street address of well ☐ Nearest address

10333 Broadacres Rd. NE Hubbard, OR 97032

(10) STATIC WATER LEVEL

Date 06-27-2007 SWL(psi) + SWL(ft) 72.2

Existing Well / Predeepening

Completed Well 06-27-2007 ☒ 72.2

Flowing Artesian? ☐ Dry Hole? ☐

WATER BEARING ZONES

Depth water was first found 123

SWL Date	From	To	Est Flow	SWL (psi)	+ SWL (ft)
11-14-2006	123	132	10		40
11-17-2006	176	189	25		40
12-04-2006	199	214	30		40
12-19-2006	246	302	3,000		40

(11) WELL LOG

Ground Elevation

Material	From	To
Topsoil & large gravel	0	8
Clay brown hard	8	74
Clay gray soft, silty	74	81
Clay dark gray	81	91
Sand black fine & silt	91	96
Clay silty dark gray	96	110
Sand & clay gray	110	113
Clay gray sticky	113	123
Clay green & gray, sticky	123	132
Cemented sand & gravel	132	150
Clay gray & green, sandy	150	154
Clay blue sticky	154	159
Clay green sticky	159	167
Clay green	167	176
Clay gray soft	176	186
Sand & clay gray, cemented	186	189
Sand	189	199
Clay gray, soft	199	210
sand and clay		

Date Started 10-23-2006

Completed 08-27-2007

(unbonded) Water Well Constructor Certification

I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

License Number Date 9/24/07

Password: (if filing electronically)

Signed

(bonded) Water Well Constructor Certification

I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

License Number 783 Date 09-13-2007

Password: (if filing electronically)

Signed

Contact Info (optional) Grossen Well Drilling (503)982-2060

ORIGINAL - WATER RESOURCES DEPARTMENT

THIS REPORT MUST BE SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK

Form Version: 0.88

T 10535

ER SUPPLY WELL REPORT -
Continuation page

WELL I.D. # L 75918

START CARD # 163498

(5) BORE HOLE CONSTRUCTION

BORE HOLE			SEAL			Amt	sacks/ lbs
Dia	From	To	Material	From	To		

FILTER PACK

From	To	Material	Size

(6) CASING/LINER

Casing Liner	Dia	+	From	To	Gauge	Stl	Plstc	Wld	Thrd

(7) PERFORATIONS/SCREENS

Perf/ Screen	Casing/ Screen Liner	Dia	From	To	Scrn/slot width	Slot length	# of slots	Tele/ pipe size

(8) WELL TESTS: Minimum testing time is 1 hour

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)

Water Quality Concerns

From	To	Description	Amount	Units

(10) STATIC WATER LEVEL

Water Bearing Zones

SWL Date	From	To	Est Flow	SWL(psi)	+	SWL(ft)

(11) WELL LOG

Material	From	To
sand, silt clay	210	211
Sand	211	214
Clay green	214	218
Clay blue sticky	218	236
Clay dark gray	236	237
Sand black fine & silty	237	239
Clay green	239	240
Clay gray sticky	240	243
Clay & sand layers	243	246
Sand black, coarse	246	270
Gravel & sand	270	302
Clay green	302	303
Clay gray	303	305
Sand & clay	305	308

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WATER RESOURCES DEPT
SALEM, OREGON

Comments/Remarks

#7 Perforations/Screens: 306'8" (306.66) Bottom plate & lift bail.

Water Right Transfer Supplemental Form B **AFFIDAVIT ATTESTING TO THE USE OF WATER**

State of Oregon)
) ss
 County of Marion)

I, Thomas H. DeArmond, in my capacity as owner,
 mailing address 11463 Broadacres Rd NE Hubbard Oregon 97032
 telephone number (503) 981-0319, being first duly sworn depose and say:

1. I attest that:

- ☒ Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application; **or**
- ☐ The water right was leased instream at some time within the last five years. The instream lease number is as follows: _____; **or**
- ☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.

2. My knowledge of the exercise or status of the water right is based on (check one):

- ☒ Personal observation ☐ Professional expertise

3. My knowledge is specific to the use of water at the following locations:

Township	Range	Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
						all acres
						see final
						proof map

(continues on reverse side)

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached.

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**WATER RESOURCES DEPT
SALEM, OREGON**

4. The water right was exercised for the authorized purpose described below (e.g., crops grown):
grass seed and nursery stock

5. The water delivery system used to apply water as authorized by the right is described below:
well #1: 25 HP turbine pump, well #2: 50 HP turbine pump, 1000' of buried 5" and 1500' of 6"
mainline to 3" handlines with 100 5/32 sprinkler heads

6. One or more of the following documentation supporting the above statements is attached:

- ☐ Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- ☐ Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
- ☐ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
- ☐ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
- ☐ Dedicated power usage records or receipts,
- ☐ Instream lease number _____,
- ☒ Other: another affidavit

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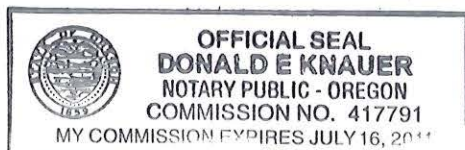
FEB 12 2008

WATER RESOURCES DEPT
SALEM, OREGON

Tom DeArmond
Signature of Affiant

2-12-08
Date

Signed and sworn to (or affirmed) before me this 12 day of FEB, 2008.



[Signature]
Notary Public for Oregon

My Commission Expires: 7/16/2011

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached.

**Water Right Transfer Supplemental Form A
AFFIDAVIT ATTESTING TO THE USE OF WATER**

State of Oregon)
) ss
County of Marion)

I, Jesse L. Owre, in my capacity as owner,
mailing address 10333 Broadacres Rd. Hubbard Ore 97032
telephone number (503) 982-4611, being first duly sworn depose and say:

1. I attest that:

- ☒ Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application, or
☐ The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.

2. My knowledge of the exercise or status of the water right is based on (check one):

- ☒ Personal observation ☐ Professional expertise

3. My knowledge is specific to the use of water at the following locations:

Township	Range	Mer	Sec	1/4 1/4 Section	Gov't Lot or DLC	Acres (if applicable)
						all
						acres
						see
						final
						proof
						map

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FEB 12 2008

WATER RESOURCES
SALEM, OREGON

(continues on reverse side)

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached.

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4. The water right was exercised for the authorized purpose described below (e.g., crops grown):
grass seed

5. The water delivery system used to apply water as authorized by the right is described below:
well #1: 25 HP turbine pump, well #2: 50 HP turbine pump, 1000' of buried 5" and 1500' of 6" mainline to 3" handlines with 100 5/32" sprinklers.

6. One or more of the following documentation supporting the above statements is attached:

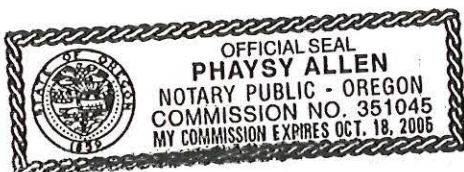
- ☒ Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- ☐ Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
- ☐ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
- ☐ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
- ☐ Dedicated power usage records or receipts,
- ☐ Other: _____

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WATER RESOURCES DEPT
SALEM, OREGON

Jesse C. Davis
Signature of Affiant

6/14/05
Date

Signed and sworn to (or affirmed) before me this 14 day of June, 2005.



Phaysy Allen
Notary Public for Oregon

My Commission Expires: 10-18-2005

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more space. Supporting documentation must be attached.



Oregon Water Resources Department
Land Use Information Form

T-15533

T-10535

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: Oregon Turf and Tree by Thomas DeArmond
Mailing Address: 18381 Boones Ferry Road NE
City: Hubbard State: Oregon Zip: 97032 Day Phone: 503-981-8873

This application is related to a Measure 37 claim. ☐ Yes ☒ No

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
4S	1W	29	NWSW	300	<u>RR-5</u>	☐ Diverted ☒ Conveyed ☒ Used	
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☒ Conveyed ☒ Used	
						☐ Diverted ☐ Conveyed ☐ Used	

List all counties and cities where water is proposed to be diverted, conveyed, or used. Marion Co.

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- ☐ Permit to Use or Store Water ☒ Water-Right Transfer ☐ Exchange of Water
☐ Allocation of Conserved Water ☐ Limited Water Use License
☐ Permit Amendment or Ground Water Registration Modification

Source of water: ☐ Reservoir/Pond ☒ Ground Water ☐ Surface Water (name) _____

Estimated quantity of water needed: 2 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☐ Quasi-municipal ☐ Instream ☒ Other Nursery Use

Briefly describe: Water rights from another property will be transferred to the above listed property utilizing existing wells, pipe lines and sprinkler systems to use the water for nursery operations.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt below and include it with the application filed with the Water Resources Department.

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

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AUG 26 2008
WATER RESOURCES DEPT
SALEM, OREGON

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form.

This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): MC 220.136.020

☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)

If approvals have been obtained but all appeal periods have not ended, check "Being pursued".

Type of Land-Use Approval Needed (e.g. plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Name: Jennifer Brown Title: Assistant Planner
 Signature: [Signature] Phone: 507-588-5038 Date: 7/3/08
 Government Entity: Mason County

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____



Oregon Water Resources Department Land Use Information Form

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: Oregon Turf and Tree by Thomas DeArmond
Mailing Address: 18381 Boones Ferry Road NE
City: Hubbard State: Oregon Zip: 97032 Day Phone: 503-981-8873

This application is related to a Measure 37 claim. ☐ Yes ☒ No

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
4S	1W	30	S 1/2	8008900	Prime 1/2 EFL	☐ Diverted ☒ Conveyed ☒ Used	
		32	NWSW	1000	Prime 1/2 EFL	☐ Diverted ☒ Conveyed ☒ Used	
		29	SWNW	300	Prime 1/2 EFL	☐ Diverted ☒ Conveyed ☒ Used	
		32	NE	400	Prime 1/2 EFL	☐ Diverted ☒ Conveyed ☒ Used	

List all counties and cities where water is proposed to be diverted, conveyed, or used. Marion

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- ☐ Permit to Use or Store Water ☒ Water-Right Transfer ☐ Exchange of Water
☐ Allocation of Conserved Water ☐ Limited Water Use License
☐ Permit Amendment or Ground Water Registration Modification

Source of water: ☐ Reservoir/Pond ☒ Ground Water ☐ Surface Water (name) _____

Estimated quantity of water needed: 2 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☐ Quasi-municipal ☐ Instream ☒ Other Nursery Use

Briefly describe: Water rights from another property will be transferred to the above listed property utilizing existing wells, pipe lines and sprinkler systems to use the water for nursery operations.

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Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

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WATER RESOURCES DEPT
SALEM, OREGON

Please check the appropriate box below and provide the requested information

☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 136.020.

☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)
If approvals have been obtained but all appeal periods have not ended, check "Being pursued".

Type of Land-Use Approval Needed (e.g. plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

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**WATER RESOURCES DEPT
SALEM, OREGON**

Name: David Epline Title: Senior Planner
Signature: [Signature] Phone: 503-588-5038 Date: 10/16/07
Government Entity: Marion County

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

LEGEND

LINE TYPES

TAX LOT BOUNDARY	OLD PROPERTY LINE
ROAD RIGHT-OF-WAY	VACATED RIGHT-OF-WAY
RAILROAD	RAILROAD RIGHT-OF-WAY
STREAM, LAKE, ETC.	STREAM, LAKE, ETC.
TAX LOT BOUNDARY	NON-BOUNDARY
SUBDIVISION BOUNDARY	PARTITION PLAT BOY.
TAX CODE BOUNDARY	EASEMENT

SYMBOL TYPES

D.L.C.	
CONTROL POINTS	
SURVEY MONUMENTS	
C.L.O. CORNERS	
SECTION	1/4 SEC 1/16 SEC

NUMBERS

TAX CODE NO.
000 00 00 0

ACREAGE - ALL ACREAGES EXCLUDE
ANY PORTION THAT MAY LIE
WITHIN THE INDICATED PUBLIC
RIGHT OF WAYS.

TICK MARKS - WHEN A TICK MARK IS
INDICATED ON THE EXTENSION OF
A LINE, THEN THE DIMENSION GOES
TO THE TICK MARK. GENERALLY THIS
IS USED WHEN DIMENSIONS GO INTO
PUBLIC RIGHT OF WAYS.

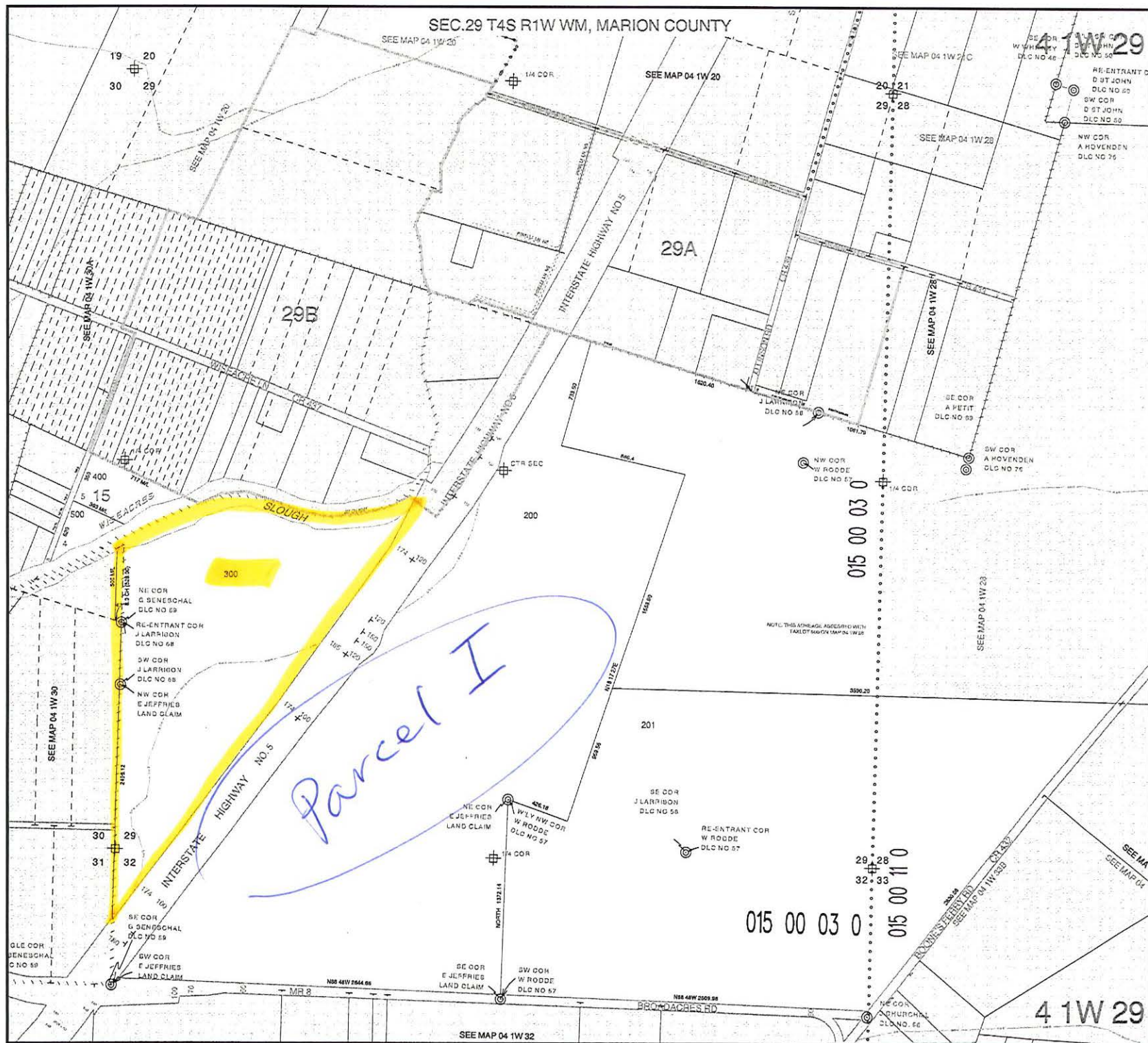
ARROWS ARE USED WITH DIMENSIONS
IN AREAS OF GREATER COMPLEXITY.

NOTICE: This map was
created for Assessor's
Office use ONLY.



SCALE 1" = 400'
or 1:4800

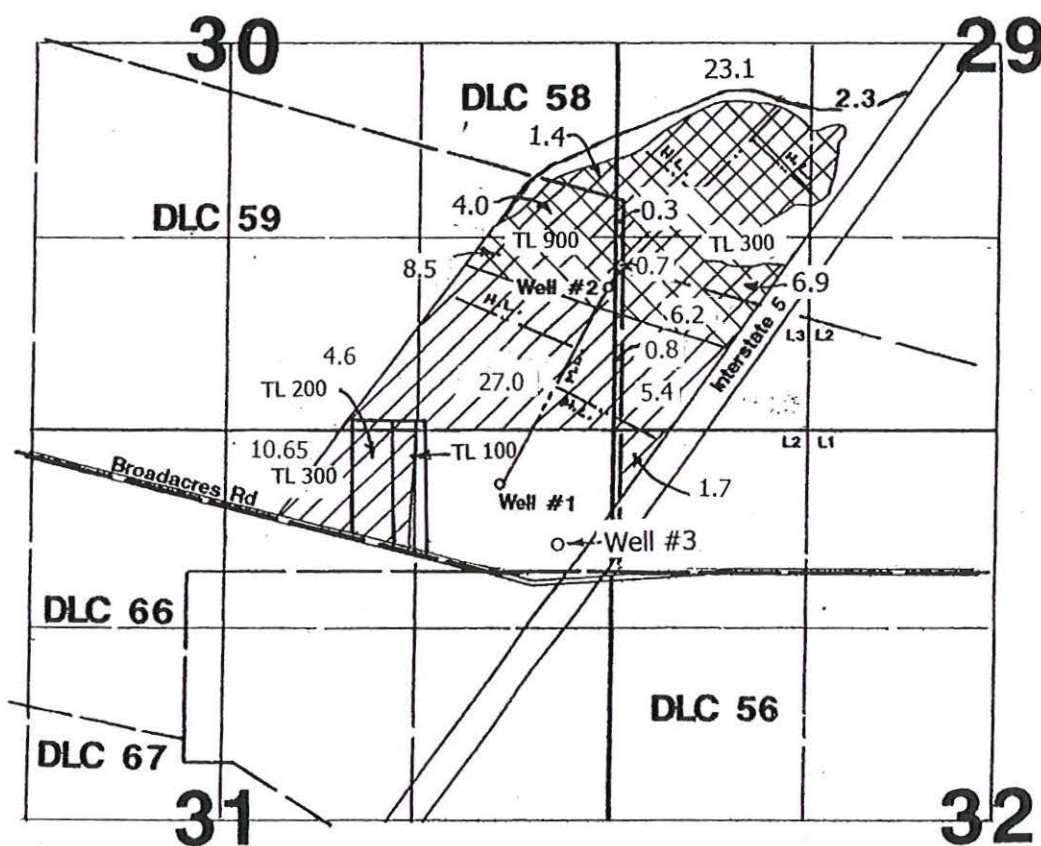
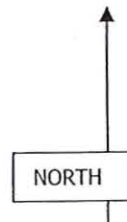
Plot file created: November 16, 2001
JasImage041w29.dwg



TRANSFER APPLICATION MAP IN THE NAME OF

THOMAS H. DeARMOND

T 4 S, R 1 W, W.M. Section 29 & 30



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FEB 12 2008

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

OCT 02 2008

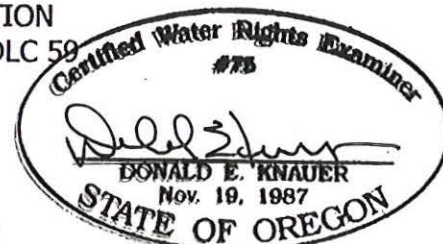
WATER RESOURCES DEPT.
SALEM, OREGON

- Well #1: 607' N & 812' W from the SE corner of DLC 59
Well #2: 1000' N & 50' W from the SE corner of section 30
PROPOSED ADDITIONAL POINT OF APPROPRIATION
Well #3: 220' N & 400' W from the SE corner of DLC 59

Scale 1" = 1320'

This map is for water
right purposes only.

T 10535



RENEWAL DATE: 6-30-2009



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

December 8, 2008

Thomas H. DeArmond
11463 Broadacres Road NE
Hubbard, OR 97032

pd Noticed
12-9-08

SUBJECT: Transfer Application T-10535

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-10535. This document is an intermediate step in the approval process; water may not be used legally as proposed in the transfer application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication simultaneously with issuance of the Preliminary Determination. The notice initiates a 30-day period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision.

Because of the proposed change in character of use and because the new point of appropriation is more than ¼ mile from one of the authorized points of appropriation, the applicant is responsible for giving public notice of the transfer changes in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We have prepared the notice for you (enclosed). The deadline for individuals to file protests or standing statements is 30 days after the date of last publication. Please have the newspaper insert the date of last publication in the proper place.

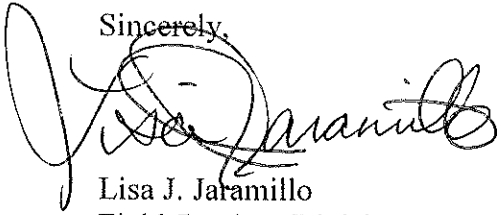
After publication, the Department needs to receive an affidavit specifying the dates the notice was published. Typically, the newspaper will prepare and mail an original *affidavit of publication* to the Department; however you will want to request specifically that they do so. Please ensure that the affidavit of publication is mailed to me, in care of the Department, at the address above by **Thursday, January 22, 2009.**

If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.

If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please do not hesitate to contact me at 503-986-0880 or Lisa.J.JARAMILLO@wrd.state.or.us if I may be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa J. Jaramillo", written over a circular stamp or seal.

Lisa J. Jaramillo
Field Services Division

cc: Transfer T-10535
Mike McCord, Watermaster Dist #16
Don Knauer, PO Box 5416, Salem, OR 97304

encs

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Transfer Application	)	PRELIMINARY DETERMINATION
T-10535, Marion County	)	PROPOSING APPROVAL OF A CHANGE
	)	IN CHARACTER OF USE AND AN
	)	ADDITIONAL POINT OF APPROPRIATION

Authority

ORS 537.705 and 540.505 to 540.580 establish the process in which a water right holder may submit a request to transfer the point of appropriation, place of use, or character of use authorized under an existing water right. OAR Chapter 690, Division 380 implements the statutes and provides the Department's procedures and criteria for evaluating transfer applications.

Applicant

THOMAS H. DEARMOND
11463 BROADACRES ROAD NE
HUBBARD, OR 97032

Agent

DON KNAUER
PO BOX 5416
SALEM, OR 97304

Findings of Fact

Background

- On February 12, 2008, Thomas DeArmond filed an application to change the use and create an additional point of appropriation under Certificate 83086. The Department assigned the application number T-10535. Transfer Applications T-10532, T-10533, T-10534, and T-10535 were filed at the same time, are interrelated, and will be processed concurrently.
- The right to be transferred is as follows:
Certificate: 83086 in the name of THOMAS H. DEARMOND (perfected under Permit G-12536)
Use: IRRIGATION of 103.55 ACRES
Priority Date: FEBRUARY 20, 1991 for 1.11 CFS and SEPTEMBER 2, 1992 for 0.18 CFS
Rate: Not to exceed 1.29 CUBIC FEET PER SECOND (CFS) in any combination, being 0.45 CFS from Well #1 and 1.09 CFS from Well #2
Source: TWO WELLS in the SENECA CREEK BASIN
Season of Use: MARCH 1 THROUGH OCTOBER 31

Authorized Point of Appropriation:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
4 S	1 W	WM	30	SE SE	59	Well #2: 1000 FEET NORTH AND 50 FEET WEST FROM THE SOUTHEAST CORNER OF SECTION 30
4 S	1 W	WM	31	NE NE	59	Well #1: 607 FEET NORTH AND 812 FEET WEST FROM THE SOUTHEAST CORNER OF DLC 59

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.

Authorized Place of Use:

IRRIGATION								
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres	Type of Change Proposed
4 S	1 W	WM	29	NE SW	--	58	2.30	APOA & USE
4 S	1 W	WM	29	NW SW	--	59	0.30	APOA & USE
4 S	1 W	WM	29	NW SW	--	58	23.10	APOA & USE
4 S	1 W	WM	29	SW SW	--	59	0.70	APOA & USE
4 S	1 W	WM	29	SW SW	--	59	0.80	APOA
4 S	1 W	WM	29	SW SW	3	--	6.20	APOA & USE
4 S	1 W	WM	29	SW SW	3	--	5.40	APOA
4 S	1 W	WM	29	SW SW	--	58	6.90	APOA & USE
4 S	1 W	WM	30	NE SE	--	59	4.00	APOA & USE
4 S	1 W	WM	30	NE SE	--	58	1.40	APOA & USE
4 S	1 W	WM	30	SW SE	--	59	4.60	APOA
4 S	1 W	WM	30	SE SE	--	59	8.50	APOA & USE
4 S	1 W	WM	30	SE SE	--	59	27.00	APOA
4 S	1 W	WM	31	NW NE	--	59	10.65	APOA
4 S	1 W	WM	32	NW NW	2	--	1.70	APOA
TOTAL:							103.55	

3. Transfer Application T-10535 proposes to add a point of appropriation (an existing well) for all lands listed above. The proposed additional point of appropriation is located approximately 575 feet southeast from existing, authorized Well #1 and approximately 1800 feet southwest from existing, authorized Well #2, and is described as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Survey Coordinates
4S	1W	WM	31	NE NE	59	Well# 3: 220 FEET NORTH AND 400 FEET WEST FROM THE SOUTHEAST CORNER OF DLC 59

4. Transfer Application T-10535 also proposes to change the character of use for a portion of the acres listed above in Finding #2 to NURSERY USE. Specifically, the following 53.4 acres (0.67 cfs, limited to 133.5 acre-feet per year, priority date February 20, 1991) are to be changed to nursery use:

NURSERY USE							
Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
4 S	1 W	WM	29	NE SW	--	58	2.30
4 S	1 W	WM	29	NW SW	--	59	0.30
4 S	1 W	WM	29	NW SW	--	58	23.10
4 S	1 W	WM	29	SW SW	--	59	0.70
4 S	1 W	WM	29	SW SW	3	--	6.20
4 S	1 W	WM	29	SW SW	--	58	6.90
4 S	1 W	WM	30	NE SE	--	59	4.00
4 S	1 W	WM	30	NE SE	--	58	1.40
4 S	1 W	WM	30	SE SE	--	59	8.50
TOTAL:							53.4

5. Additional nursery rights are proposed to be transferred onto these same lands under Transfer Applications T-10533 (14.2 acres) and T-10534 (39.2 acres) to create stacked primary nursery rights with a combined maximum duty of 5.0 acre-feet per acre (2.5 acre-feet per acre under each right).
6. Notice of the application for transfer was published on February 19, 2008, pursuant to OAR 690-380-4000. No comments were filed in response to the notice.
7. On June 11, 2008, the Department mailed a copy of the draft Preliminary Determination proposing to approve Transfer Application T-10535 to the applicant and his agent. The draft Preliminary Determination set forth a deadline of July 14, 2008, for the applicant to respond. On July 2, 2008, the applicant's agent requested additional time to respond and submit the required report of ownership and lien information. The request for additional time was granted by the Department.
8. The applicant's agent submitted the required report of ownership and lien information on August 26, 2008. This information demonstrates that the applicant is authorized to pursue this transfer.

Transfer Review Criteria (OAR 690-380-4010)

9. Water has been used within the last five years according to the terms and conditions of the right, and there is no information in the record that would demonstrate that the right is subject to forfeiture under ORS 540.610.
10. A pump, pipeline, and sprinkler system sufficient to use the full amount of water allowed under the existing right were present within the five-year period prior to submittal of Application T-10535.
11. The proposed change would not result in enlargement of the right.
12. The proposed change would not result in injury to other water rights.

Determination and Proposed Action

The change in character of use and the additional point of appropriation proposed in Transfer Application T-10535 appear to be consistent with the requirements of ORS 537.705 and 540.505 to 540.580 and OAR 690-380-5000. If protests are not filed pursuant to OAR 690-380-4030, the application will be approved, provided that concurrent changes to layered rights proposed under Transfer Application T-10533 and Groundwater Registration Modification T-10534 are approved.

If Transfer Application T-10535 is approved, the final order will include the following:

1. *The change in character of use and an additional point of appropriation proposed in Transfer Application T-10535 are approved.*
2. *Water right certificate 83086 is cancelled.*

3. *The right to the use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Certificate 83086 and any related decree.*
4. *Water shall be acquired from the same aquifer (water source) as the original points of appropriation.*
5. *The quantity of water diverted at the additional point of appropriation, together with that diverted at the original points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.*
6. *That portion of the place of use changed to nursery use shall be further limited to 0.67 cfs (priority date February 20, 1991), with an annual duty of 2.5 acre-feet per acre (a total of 133.5 acre-feet) over the course of the authorized season of use.*
7. *Prior to diverting water, the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department. The water user shall maintain and operate the measuring device as required by the Department.*
8. *The approved changes shall be completed and full beneficial use of the water shall be made on or before **October 1, 2010**. A Claim of Beneficial Use prepared by a Certified Water Rights Examiner shall be submitted by the applicant to the Department within one year after the deadline for completion of the changes and full beneficial use of the water.*
9. *When satisfactory proof of the completed changes is received, a new certificate confirming the right transferred will be issued.*

Dated at Salem, Oregon this 3rd day of December 2008.


Phillip C. Ward, Director

This Preliminary Determination was prepared by a Reimbursement Authority contractor. If you have questions about the information in this document, you may reach Dorothy Pedersen at 503-986-0890 or Dorothy.I.Pedersen@wrdd.state.or.us.

Protests should be addressed to the attention of Field Services Division, Water Resources Department, 725 Summer St. NE, Suite A, Salem, OR 97301-1266.

**Notice of Preliminary Determination for
Water Right Transfer T-10535**

T-10535 filed by Thomas DeArmond, 11463 Broadacres Rd. NE, Hubbard, OR 97032, proposes to change the character of use and add a point of appropriation under Certificate 83086. The right allows the use of 1.29 cfs (priority date February 20, 1991 for 1.11 cfs and September 2, 1992 for 0.18 cfs) from two wells in Sec. 30 and 31, T 4S, R 1W, W.M. (Senecal Creek Basin) for irrigation in Sec. 29, 30, 31 and 32. The applicant proposes to add a point of appropriation located approximately 575 feet southeast from authorized Well #1 and 1800 feet southwest from authorized Well #2 (Sec. 31, T 4S, R 1W, W.M.), and to change the character of use for a portion of the lands to nursery. The Water Resources Department has concluded that the proposed transfer appears to be consistent with the requirements of ORS Chapter 540 and OAR 690-380-5000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0883. The last date of newspaper publication is *[DATE OF LAST PUBLICATION]*. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Application for Water Right Transfer

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "N/A" to indicate "Not Applicable." As you complete this form, please refer to notes and guidance included on the application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. TYPE OF TRANSFER APPLICATION

Please check one

☒ Permanent Transfer ☐ Temporary Transfer (1 to 5 yrs.) • total number of years: _____ (begin year: _____) (end year: _____)	☐ Instream Transfer ☐ Permanent ☐ Time-Limited ☐ Drought Transfer ☐ Other
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2. APPLICANT INFORMATION

Name:	Thomas H.	DeArmond
	First	Last
Address:	11463 Broadacres Road NE	
	Hubbard	Oregon
	City	State
		97032
		Zip
Phone:	503-981-0319	
	Home	Work
		Other
Fax:	E-Mail address:	

3. AGENT INFORMATION

(The agent listed is authorized to represent the applicant in all matters relating to this transfer application.)

Name: Don Knauer **RECEIVED**
First Last
Address: PO Box 5416 **OCT 02 2008**
Salem Oregon 97304 **WATER RESOURCES DIVISION**
City State Zip **SALEM, OREGON**
Phone: 503-508-7862
Home Work Other
Fax: _____ E-Mail address: _____

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- If an agent is listed above, please check one of the following:
- ☐ Please send all correspondence to Agent. Send *copies* of correspondence to Applicant; or
- ☒ Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.

4. PROPOSED CHANGE(S) TO WATER RIGHT(S)

- List **all** water rights to be affected by this transfer. Indicate the certificate, permit, decree or other identifying number(s) in the table below: (*Attach additional pages as necessary.*)

	Application / Decree	Permit / Previous Transfer	Certificate
1.		G-12423 <i>G-12536</i>	83086
2.			
3.			
4.			
5.			
6.			

- Attach a **separate Supplemental Form A** (*Description of Proposed Change(s) to a Water Right*) for **each** water right listed above.

- Check **all** proposed change(s) included in this transfer application:

- ☐ Place of Use ☐ Point of Diversion (POD) ☒ Additional Point of Diversion
☒ Character of Use ☐ Point of Appropriation (POA, or well) ☒ Additional POA
☐ Instream Transfer ☐ Surface Water POD to Ground Water POA
☐ Substitution of Supplemental Groundwater right for Primary Surface water right
☐ Historic POD change ☐ Other

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- Reason(s) for change(s): Land use is changing.

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5. WATER DELIVERY SYSTEM

- Describe the **current** water delivery system **or** the system that **was in place** at some time **within the last 5 years**. Include information on the pumps, canals, pipelines and sprinklers used to divert, convey and apply the water at the authorized place of use. If the transfer involves multiple rights that have independent systems, describe each system separately.

The description must be sufficient to demonstrate that the full quantity of water to be transferred can be conveyed from the authorized source and applied at the authorized location and that the applicant is ready, willing, and able to exercise the right.

Well 1:25 HP elec motor, turbine pump. Well 2:50Hp elec motor with turbine pump

Both wells are piped together. There are 2500' of 5" & 6" mainline, 4400' 3" handlines with 5/32 X 0" sprinklers.

- System capacity: 1.76 cubic feet per second (cfs). If the transfer involves multiple rights that have independent systems, describe the capacity for each system separately.

6. EVIDENCE OF BENEFICIAL WATER USE

- Attach one or more **Evidence of Use Affidavits** (Supplemental Form B) demonstrating that each of the right(s) involved in the transfer have been exercised in the last five years in accordance with the terms and conditions of the right or that a presumption of forfeiture for non-use could be rebutted. The Evidence of Use Affidavit(s) **must include supporting documentation** such as the following:
 - ▶ Copies of receipts from sales of irrigated crops or for expenditures relating to use of water;
 - ▶ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers;
 - ▶ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish location and date of the photograph; *or*
 - ▶ If the right has **not** been used during the past five years, documentation that the presumption of forfeiture would be rebutted under ORS 540.610(2).

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7. AFFECTED DISTRICTS

- Are any of the water rights proposed for transfer located within or served by an irrigation or other water district? ☐ Yes ☒ No
- Will any of the water rights be located within or served by an irrigation or other water district after the proposed transfer? ☐ Yes ☒ No
- Is water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity? ☐ Yes ☒ No

If "Yes", for any of the above, list the name and mailing address of the district, agency and/or entity:

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8. LOCAL GOVERNMENTS

- List the name and mailing address of all local governments (i.e., each county, city, municipal corporation, or tribal government within whose jurisdiction water will be diverted, conveyed or used).

Marion County

555 Court Street NE

Salem Oregon 97309

9. LAND OWNERSHIP

- Does the applicant own the lands **FROM** which the right is being transferred? ☒ Yes ☐ No

If "No", provide the following information. For Temporary Transfers, also include a notarized statement granting consent to the transfer from each of the landowners (for Permanent Transfers see Section 12(c)):

Names of Current Landowner(s): _____
First Last

Address: _____

City State Zip

- Does the applicant own the lands **TO** which the right is being transferred?

☒ Yes ☐ No ☐ N/A - NOT APPLICABLE TO INSTREAM TRANSFERS

If "No", provide the following information:

Names of Receiving Landowner(s): _____
First Last

Address: _____

City State Zip

- Check one of the following:

- ☐ The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.
- ☒ The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.
- ☐ N/A. (Not applicable. Application is for an Instream Water Right Transfer.)

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10. Other Remarks (optional)

This transfer application is associated with three other transfer applications being filed
at the same time. We request that all four applications, as much as possible, be
processed by the same reviewer and that all four draft preliminary determinations
be issued at the same time.

see: T- 10532 , T- 10533 , T- 10534

11. ATTACHMENTS

Check each of the following attachments included with this application.
The application will be returned if all required attachments are not included.

Supplemental Form A –

Description of Proposed Change(s) to a Water Right

- ☒ A separate Supplemental Form A is enclosed for each water right to be affected by this transfer.

Supplemental Form B –

Evidence of Use Affidavit(s)

- ☒ At least one Evidence of Use Affidavit documenting that the right has been used during the last five years or that the right is not subject to forfeiture under ORS 540.610 is attached. The affidavit provided must be the original (not a copy), and
- ☐ The Evidence of Use Affidavit must be accompanied by supporting documentation.

Map

☒ Water Right Transfer

The map must be prepared by a Certified Water Right Examiner and meet the requirements of OAR 690-380-3100 unless a waiver has been granted. The map provided must be the original, not a copy.

☐ Temporary Transfer or Historical POD Change

A map meeting the requirements of OAR 690-380-3100 must be included but need not be prepared by a Certified Water Right Examiner.

Water Well Report(s)/Well Log(s):

- ☒ The application is for a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.
- ☐ Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.
- ☐ N/A. The application does not involve a change in point of appropriation or a change from surface water to ground water, so water well reports are not required.)

Land Use Information For Proposed Changes:

For Instream Transfers:

- ☐ Notice of the intent to file an instream transfer application has been provided to each affected local government along the proposed reach, and copies of the notices are enclosed. (For instream transfers a Land Use Information Form is not required.)

For All Other Transfers:

- ☒ Land Use Information Form is enclosed; or
- ☐ All of the following criteria are met, therefore a Land Use Information Form is not required:
- ① In EFU zone or irrigation district,
 - ② Change in place of use only,
 - ③ No structural changes needed, including diversion works, delivery facilities, other structures, and
 - ④ Irrigation only.

Fees:

- ☐ Amount enclosed: \$ _____ WATER RESOURCES DEPT
See the Department's Fee Schedule at SALEM, OREGON
www.wrd.state.or.us or call (503) 986-0900.

Instream Water Right Transfers, also include:

Supplemental Form C –

Instream Water Right Transfer

- ☐ Complete this form to describe the desired nature and attributes for the proposed instream water right.

Temporary Transfers, also include:

Recorded Deed:

- ☐ The applicant must submit a copy of the current deed of record for the land from which the authorized place of use or point of diversion/appropriation is being moved.

Affidavit of Consent:

- ☐ If the applicant is NOT the owner of record for the land from which the authorized place of use or point of diversion/appropriation is being moved, a notarized statement from the actual owner of record consenting to the proposed transfer must be submitted.

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Before submitting your application to the Department, be sure you have:

- Answered each question completely.
- Included all the required attachments.
- Provided original signatures for all named deed holders, or other parties, with an interest in the water right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

12. SIGNATURES

- Check one of the following, as appropriate, and sign the application in the signature box below:

- ☒ In accordance with OAR 690-380-3000(13)(a), I (we) understand that prior to Department approval of a permanent transfer and upon my receipt of a draft Preliminary Determination for the proposed transfer, I (we) will be required [pursuant to OAR 690-380-4010(5)] to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the transfer:

- (a) A report of ownership and lien information that has been prepared by a title company *within the last three months*;
- (b) A copy of written notification of the proposed transfer provided by the applicant to all lien holders on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. *If a water right conveyance agreement has been recorded for the subject lands, a copy of the agreement and identification of the owner of the lands at the time the agreement was recorded must be submitted; and*
- (c) If the landowner identified in the report of ownership and lien information is not the applicant, a notarized statement consenting to the transfer (attached) signed by the landowner identified in the report or an authorized representative of the entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement or other documentation demonstrating that the applicant is authorized to pursue the transfer in the absence of the consent of the landowner.

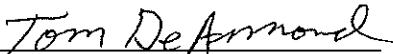
- ☐ I (we) affirm that interest in the water right has been conveyed to someone other than the landowner, and documents, including a water right conveyance agreement, report of ownership and lien information, and any required lienholder notification are enclosed, demonstrating that I (we) are authorized to pursue the transfer. I (we) understand that we may be required to provide additional information upon receipt of the draft Preliminary Determination.

- ☐ I (we) affirm that the applicant is a municipality, as defined in ORS 540.510(3)(b), and that the right is in the name of the municipality or a predecessor. Therefore, pursuant to OAR 690-380-3000(13)(b), the applicant is NOT required to provide the above described report of ownership and lien information.

- ☐ I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the water right proposed for transfer is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-380-3000(13)(c), the applicant is NOT required to provide the above described report of ownership and lien information. (NOTE: Such an entity may only apply for a transfer under this subsection if it has filed a condemnation action to acquire the property.

- ☐ I (we) affirm that this is a temporary transfer and a copy of the deed for the "from" land (and affidavits of consent from any other landowners, if applicable) is enclosed.

- I (we) affirm that the information contained in this application is true and accurate.

 applicant signature	 name and title if applicable (print)	<u>2-12-08</u> date
 applicant signature	 name and title if applicable (print)	 date

Water Right Transfer Supplemental Form A

DESCRIPTION OF PROPOSED CHANGE(S) TO A WATER RIGHT

List only one water right per page. A separate Supplemental Form A must be completed for each certificate, permit, decree, or other right involved in the proposed transfer.

Attach additional copies of Supplemental Form A as needed to describe other certificates, permits, decrees or other rights involved in this transfer.

▪ Certificate Number or other identifying number: 83086

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1. TYPE OF CHANGE(S) PROPOSED

(Check *all* that apply.)

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Point of Diversion or Appropriation	Place of Use	Character of Use
☐ Change (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the transfer.) ☒ Additional (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the transfer.) ☐ Historic Point of Diversion or Appropriation Change (Unauthorized point of diversion or appropriation used for more than 10 years.) ☐ Surface Water to Ground Water (A new point of appropriation will be used instead of the old point of diversion. The old point of diversion will <u>not</u> be used.) ☐ Point of Diversion Change due to Government Action (The old point of diversion or appropriation can no longer be used due to government action.) ☐ Exchange (Water from another source will be used in exchange for supplying an equal amount of replacement water to that source.)	☐ All of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.) ☐ Only a portion of the right will be exercised at a different location than currently authorized (Use of water at the current location will be discontinued.)	Proposed new use: ☐ Irrigation ☐ Municipal ☐ Quasi-municipal ☐ Commercial ☐ Industrial ☐ Instream (complete and attach <i>Supplemental Form C</i>) ☐ Domestic (indicate number of households) _____ ☒ Other <u>Nursery Use</u> ☐ Substitution (A supplemental ground water right will be substituted for a primary surface water right.) ☐ Supplemental Use to Primary Use (Primary water right shall be cancelled and the supplemental water right will change to primary use.)

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2. CURRENT WATER RIGHT INFORMATION

Water Right Subject to Transfer (check and complete one of the following):

☒ Certificated Right	83086 Certificate Number	G-12423 <u>G-12536</u> Permit Number or Decree Name
☐ Adjudicated, Non-certificated Right	Name of Decree	Page Number
☐ Permit for which Proof has been Approved	Permit Number	Date Claim of Beneficial Use Submitted
☐ Transferred Right for which Proof has been Filed	Previous Transfer Number	Date Claim of Beneficial Use Submitted

- Name on Permit, Certificate, or Decree: Thomas H. DeArmond
- County: Marion
- Authorized Use(s) to be Affected by Transfer: irrigation
- Priority Date(s): 2/20/1991 for 1.11 cfs & 9/2/1992 for 0.18 cfs

If there are multiple Priority Dates identified on the water right, any information provided on pages 3 through 6 of this form must identify which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

- Source(s) of Water to be Affected by Transfer: Two wells

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Tributary to: Senecal Creek

If there are multiple Sources listed on the water right, any information provided on pages 3 through 6 of this form must identify which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

For applications proposing a Change in Place of Use or Character of Use:

- Are there **Other Water Rights**, Permits or Ground Water Registrations associated with this land?

☐ Yes ☒ No ☐ N/A – No Change in Place of Use or Character of Use

If "Yes", what are the Permit, Registration or Certificate Numbers? _____

Pursuant to ORS 540.510, any "layered" water use or a right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled, except as provided in OAR 690-380-2240(5).

■ Certificate Number or other identifying number: 83086

The following information must be provided only for those points of diversion or appropriation that are involved in the transfer (i.e., list only the portion of the water right you propose to transfer.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:

(i.e., the allowed point(s) of diversion or appropriation listed on the water right that will be affected by the proposed transfer, the "FROM" point(s) of diversion or appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
MARI-875 OWRE Well 1	Two Wells 2/20/1991	4S	1W	WM	31	NENE	DLC 59	607'N & 812'W SE cor DLC 59
OWRE Well 2	Two Wells 2/20/1991				30	SESE	DLC 59	1000'N & 50'W SE cor sec 30

- Does the water right being transferred involve a ground water source(s)?

☒ Yes ☐ No (Surface water source only.)

If "Yes", for each authorized point of appropriation (well) involved, you must either
A. Supply a copy of the well log(s) for each point of appropriation that is clearly labeled and associated with the corresponding well in the table above and on the accompanying application map. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

or

B. If a well log is not available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)

Wells in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

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■ Certificate Number or other identifying number: 83086

Will the ENTIRE water right be affected by this transfer? ^{APOA} ☒ Yes ^{USE} ☒ No

If "Yes", the remainder of this page does not need to be completed. Go on to the next page.

If "No", the following information **must be provided only** for those places of use that are involved in the transfer (i.e., list only the portion of the water right to be affected by the change.) Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below only if the information is reflected on the existing water right.

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Location of Existing Authorized Place of Use to be Affected:

(i.e., the allowed lands listed on the water right that will be affected by the proposed transfer, the "FROM" lands) WATER RESOURCES DEPT
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Source and Priority Date	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Acres (if applicable)
Wells 1&2 2/20/1991&9/2/92	4S	1W	WM				All acres for additional POA
							following acres for Nursery Use
✓ Wells 1&2 2/20/91	4S	1W	WM	29	NESW	DLC 58	2.3 to NU ✓
					NWSW	DLC 58	23.1 to NU ✓
					NWSW	DLC 59	0.3 to NU
					SWSW		13.1 to NU
					SWSW	DLC 59	0.7 to NU
				30	NESE	DLC 58	1.4 to NU
					NESE	DLC 59	4.0 to NU
					SESE	DLC 59	8.5 to NU

4.20 ac -
Lot 3
+
6.90 ac -
DLC 58

▪ Certificate Number or other identifying number: 83086

3. PROPOSED CHANGES TO THE WATER RIGHT

Describe proposed changes to the water right involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation:

(i.e., the "TO" point(s) of diversion or appropriation)

☐ N/A – Instream Water Right Transfer

(NOTE: Complete this table **only** if a Change in Point of Diversion or Appropriation is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
OWRE Well 3	4A <i>45</i>	1W	WM	31	NENE	DLC 59	220'N & 400'W of SE cor DLC 59

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- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? ☒ Yes ☐ No ☐ N/A - No proposed well(s) listed above.

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If "Yes", attach and clearly label the corresponding well log(s) for each proposed well, or if well log(s) are not available, describe the construction of the well(s) using the table below. (NOTE: You may search for well logs on the Department's web page at: <http://www.wrd.state.or.us>)

If "No", describe the anticipated construction for the proposed well(s) in the following table:

Construction of Proposed Point(s) of Appropriation or Well(s)

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

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■ Certificate Number or other identifying number: 83086

Describe proposed changes to the water right involving place of use. Information described below should accurately correspond to the proposed place of use shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Place of Use: (i.e., the "TO" lands) ☐ N/A – Instream Water Right Transfer

(NOTE: Complete this table only if a Change in Place of Use is being proposed.)

[illegible]

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Remarks: The intention is to change this irrigation water right to nursery use by adding an equal amount of irrigation acreage to this property. Therefore 53.4 acres will change to Nursery Use when the associated transfers are allowed. See T-10532, T-10533, T-10534.

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

STATE OF OREGON

COUNTY OF MARION

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

THOMAS H. DeARMOND
11463 BROADACRES ROAD NE
HUBBARD, OREGON 97032

This Certificate confirms the right to use the waters perfected under the terms of the Permit. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed the amount described, or its equivalent in case of rotation, measured at the point of diversion from the source. The specific limits and conditions of this right are listed below.

APPLICATION FILE NUMBER: G-12423

PERMIT NUMBER: G-12536

SOURCE OF WATER: TWO WELLS IN THE SENECALE CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 103.55 ACRES

MAXIMUM RATE ALLOWED: NOT TO EXCEED 1.29 CUBIC FOOT PER SECOND (CFS) IN ANY COMBINATION, BEING 0.45 CFS FROM WELL #1 AND 1.09 CFS FROM WELL #2

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: FEBRUARY 20, 1991 FOR 1.11 CFS AND SEPTEMBER 2, 1992 FOR 0.18 CFS

G-12423.RA

Certificate Number 83086

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THE WELLS ARE LOCATED AS FOLLOWS:

WELL 1: NE 1/4 NE 1/4, AS PROJECTED WITHIN DLC 59, SECTION 31, TOWNSHIP 4 SOUTH, RANGE 1 WEST, W.M.; 607 FEET NORTH AND 812 FEET WEST FROM THE SE CORNER, DLC 59.

WELL 2: SE 1/4 SE 1/4, AS PROJECTED WITHIN DLC 59, SECTION 30, TOWNSHIP 4 SOUTH, RANGE 1 WEST, W.M.; 1000 FEET NORTH AND 50 FEET WEST FROM THE SE CORNER, SECTION 30.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 SW 1/4 2.3 ACRES~~X~~ / *to NW*
 NW 1/4 SW 1/4 23.1 ACRES~~X~~ / *to NW*
 SW 1/4 SW 1/4 6.9 ACRES~~X~~)

ALL AS PROJECTED WITHIN LARRISON DLC 58
 SECTION 29

LOT 3 (SW 1/4 SW 1/4) 11.6 ACRES~~X~~ *6.2 to NW*
 SECTION 29

NW 1/4 SW 1/4 0.3 ACRES~~X~~ *to NW*
 SW 1/4 SW 1/4 1.5 ACRES~~X~~ *0.7 to NW*
 BOTH AS PROJECTED WITHIN DLC 59
 SECTION 29

NE 1/4 SE 1/4 1.4 ACRES~~X~~ *to NW*
 AS PROJECTED WITHIN LARRISON DLC 58
 SECTION 30

NE 1/4 SE 1/4 4.0 ACRES~~X~~ *to NW*
 SW 1/4 SE 1/4 4.6 ACRES~~X~~
 SE 1/4 SE 1/4 35.5 ACRES~~X~~ *8.5 to NW*
 ALL AS PROJECTED WITHIN DLC 59
 SECTION 30

NW 1/4 NE 1/4 10.65 ACRES ✓
 AS PROJECTED WITHIN DLC 59
 SECTION 31

LOT 2 (NW 1/4 NW 1/4) 1.7 ACRES ✓
 SECTION 32

TOWNSHIP 4 SOUTH, RANGE 1 WEST, W.M.

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water use information, including the place and nature of use of water under the right.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

Limited Water Level Decline/Interference Condition

To monitor the effect of water use from the well(s) authorized under this right, the Department requires the water user to submit annual static water level reports. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

After Use of Water has Begun

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurements to:

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- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The Water Resources Department has determined that the initial water level in Well # 1 is 24.0 feet below ground surface and in Well # 2 is 20.0 feet below ground surface. That is the level from which the cited declines in (A), (B) and (C) above will be referenced.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

The right to the use of the water for the above purpose is restricted to beneficial use without waste on the lands or place of use described. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

The Director may require water level or pump test results every ten years.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

This certificate is issued to correct an error by the Department in the issuance of the previous Certificate and supersedes Certificate 82928.

Issued JAN 18 2007.


Phillip C. Ward, Director
Water Resources Department

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SALEM, OREGON

Recorded in State Record of Water Right Certificates Number 83086.

G-12423.RA

T 10535

RA



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Watermaster Review Form: Water Right Transfer

Transfer Application: T-10535

Review Due Date: 3/19/08

Applicant Name: DeArmond

Proposed Changes: ☒ POU ☐ POD ☒ POA ☒ USE ☐ OTHER

Reviewer(s): Mlm

Date of Review: Mar. 19, 2008

1. Do you have information suggesting that the water rights may be subject to forfeiture?
☐ Yes ☒ No If "Yes", describe the information and indicate if you intend to file a cancellation affidavit or if you need additional time to determine if a cancellation affidavit should be filed: _____
2. Is there a history of regulation on the source that serves the right proposed for transfer that has involved the right and downstream water rights? ☐ Yes ☒ No Generally characterize the frequency of any regulation or explain why regulation has not occurred: _____
3. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the right? ☐ If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most: _____
4. Are there upstream water rights that would be affected by the proposed change?
☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected: _____
5. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? ☐ If you check the box, describe and, if possible, estimate the losses: _____
6. Would distribution of water for the right after the proposed change result in regulation of other water rights that would not have occurred if use of the existing right was maximized?
☐ Yes ☒ No If "Yes", explain: _____
7. For POU changes, would the original place of use continue to receive water from the same source? ☐ Yes ☒ No ☐ N/A If "Yes", explain: _____
8. For POU or USE changes, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? ☐ Yes ☒ No If "Yes", explain: _____
9. Are there other issues not identified through the above questions? ☐ Yes ☐ No If "Yes", explain: _____
10. What alternatives may be available for addressing any issues identified above: _____

11. Have headgate notices been issued for the source that serves the right? ☐ Yes ☒ No

12. What water control and measurement conditions should be included in the transfer:

Measurement Devices	☐ Present and should be maintained.	☒ Should be required prior to diverting water.	☐ May be required in the future.
Headgates	☐ Present and should be maintained.	☐ Should be required prior to diverting water.	☐ May be required in the future.



Oregon

Theodore R. Kulongoski, Governor

GW

RA

Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

INTEROFFICE MEMO

FORWARD TO:

Dorothy
FIELD PROCESSOR WORKING ON THIS TRANSFER

DATE: 2/19/08
due 3/19/08

FROM:

X WATERMASTER, DISTRICT # _____
GROUNDWATER SECTION

(SIGNATURE) MLC date signed 4/28/2008
signed by injury reviewer

SUBJECT: WATER RIGHT TRANSFER # T-10535

A change in: POU POD APOA USE of water.

In the name(s) of Thomas DeArmond

In my opinion (assuming the right is valid), the proposed change

MAY BE MADE WITHOUT INJURY WOULD RESULT IN INJURY* to an existing water
right. see attached memo.

*The approval of this transfer application would result in injury to other water rights because

The existing right may not be valid because _____

Headgate notices HAVE HAVE NOT Been issued for diversion from the source(s) which
serve(s) this right.

If for change in point of diversion, is there any intervening point(s) for diversion between the
authorized and proposed points of diversion? (Yes or No) See attached map.

In my opinion, the order approving the subject transfer application should include the following in
regard to the appropriator installing suitable measuring devices in the diversion works:

- ✓ (1) PRIOR to the diverting of water at the new point of diversion . . .
See proposed water-use reporting condition in attached memo.
- _____ (2) WHEN IN the judgement of the watermaster it becomes necessary . . .

The enclosed copy of the transfer application and map(s) is for your records.

wmtrans.frm

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

STATE OF OREGON

COUNTY OF MARION

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

THOMAS H. DeARMOND
11463 BROADACRES ROAD NE
HUBBARD, OREGON 97032

This Certificate confirms the right to use the waters perfected under the terms of the Permit. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed the amount described, or its equivalent in case of rotation, measured at the point of diversion from the source. The specific limits and conditions of this right are listed below.

APPLICATION FILE NUMBER: G-12423

PERMIT NUMBER: G-12536

SOURCE OF WATER: TWO WELLS IN THE SENECALE CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 103.55 ACRES

MAXIMUM RATE ALLOWED: NOT TO EXCEED 1.29 CUBIC FOOT PER SECOND (CFS) IN ANY COMBINATION, BEING 0.45 CFS FROM WELL #1 AND 1.09 CFS FROM WELL #2

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: FEBRUARY 20, 1991 FOR 1.11 CFS AND SEPTEMBER 2, 1992 FOR 0.18 CFS

G-12423.RA

Certificate Number 83086

T 10535

THE WELLS ARE LOCATED AS FOLLOWS:

WELL 1: NE 1/4 NE 1/4, AS PROJECTED WITHIN DLC 59, SECTION 31, TOWNSHIP 4 SOUTH, RANGE 1 WEST, W.M.; 607 FEET NORTH AND 812 FEET WEST FROM THE SE CORNER, DLC 59.

WELL 2: SE 1/4 SE 1/4, AS PROJECTED WITHIN DLC 59, SECTION 30, TOWNSHIP 4 SOUTH, RANGE 1 WEST, W.M.; 1000 FEET NORTH AND 50 FEET WEST FROM THE SE CORNER, SECTION 30.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 SW 1/4 2.3 ACRES
NW 1/4 SW 1/4 23.1 ACRES
SW 1/4 SW 1/4 6.9 ACRES
ALL AS PROJECTED WITHIN LARRISON DLC 58
SECTION 29

LOT 3 (SW 1/4 SW 1/4) 11.6 ACRES
SECTION 29

NW 1/4 SW 1/4 0.3 ACRE
SW 1/4 SW 1/4 1.5 ACRES
BOTH AS PROJECTED WITHIN DLC 59
SECTION 29

NE 1/4 SE 1/4 1.4 ACRES
AS PROJECTED WITHIN LARRISON DLC 58
SECTION 30

NE 1/4 SE 1/4 4.0 ACRES
SW 1/4 SE 1/4 4.6 ACRES
SE 1/4 SE 1/4 35.5 ACRES
ALL AS PROJECTED WITHIN DLC 59
SECTION 30

NW 1/4 NE 1/4 10.65 ACRES
AS PROJECTED WITHIN DLC 59
SECTION 31

LOT 2 (NW 1/4 NW 1/4) 1.7 ACRES
SECTION 32
TOWNSHIP 4 SOUTH, RANGE 1 WEST, W.M.

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water use information, including the place and nature of use of water under the right.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

Limited Water Level Decline/Interference Condition

To monitor the effect of water use from the well(s) authorized under this right, the Department requires the water user to submit annual static water level reports. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

After Use of Water has Begun

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurements to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The Water Resources Department has determined that the initial water level in Well # 1 is 24.0 feet below ground surface and in Well # 2 is 20.0 feet below ground surface. That is the level from which the cited declines in (A), (B) and (C) above will be referenced.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

The right to the use of the water for the above purpose is restricted to beneficial use without waste on the lands or place of use described. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

The Director may require water level or pump test results every ten years.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

This certificate is issued to correct an error by the Department in the issuance of the previous Certificate and supersedes Certificate 82928.

Issued JAN 18 2007.


Phillip C. Ward, Director
Water Resources Department

Recorded in State Record of Water Right Certificates Number 83086.

G-12423.RA

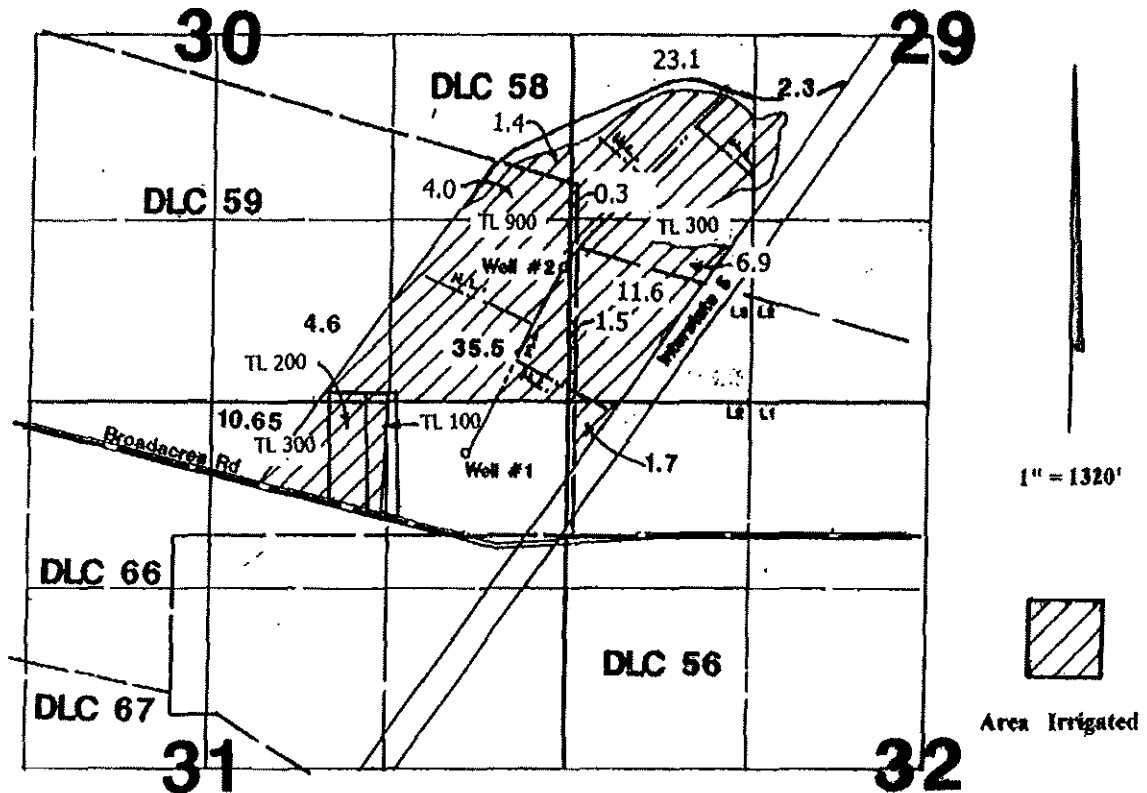
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T.4S. R.1W., W.M



Well #1 is located 607'N & 812'W from the SE corner of DLC 59.
Well #2 is located 1000'N & 50'W from SE corner Section 30.

Final Proof Survey

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JAN 15 1999

WATER RESOURCES DEPT
SALEM, OREGON

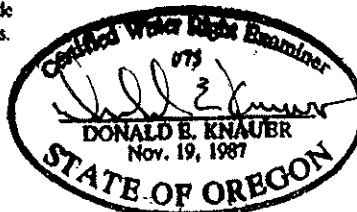
Application #: G-12423 Permit #: G-12536

In Name Of

Jesse C. Owre

Surveyed on December 15, 1998 by JM Schuette

This Map Was Prepared For The Purpose Of Identifying The
Location Of A Water Right Only And Is Not Intended To Provide
Legal Dimensions Or Location Of Property Ownership Lines.



T 10535

This is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

STATE OF OREGON

COUNTY OF MARION

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

THOMAS H. DeARMOND
11463 BROADACRES ROAD NE
HUBBARD, OREGON 97032

This Certificate confirms the right to use the waters perfected under the terms of the Permit. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed the amount described, or its equivalent in case of rotation, measured at the point of diversion from the source. The specific limits and conditions of this right are listed below.

APPLICATION FILE NUMBER: G-12423

PERMIT NUMBER: G-12536

SOURCE OF WATER: TWO WELLS IN THE SENECALE CREEK BASIN

PURPOSE OR USE: IRRIGATION OF 103.55 ACRES

MAXIMUM RATE ALLOWED: NOT TO EXCEED 1.29 CUBIC FOOT PER SECOND (CFS) IN ANY COMBINATION, BEING 0.45 CFS FROM WELL #1 AND 1.09 CFS FROM WELL #2

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: FEBRUARY 20, 1991 FOR 1.11 CFS AND SEPTEMBER 2, 1992 FOR 0.18 CFS

G-12423.RA

Certificate Number 83086

1 10535

THE WELLS ARE LOCATED AS FOLLOWS:

WELL 1: NE 1/4 NE 1/4, AS PROJECTED WITHIN DLC 59, SECTION 31, TOWNSHIP 4 SOUTH, RANGE 1 WEST, W.M.; 607 FEET NORTH AND 812 FEET WEST FROM THE SE CORNER, DLC 59.

WELL 2: SE 1/4 SE 1/4, AS PROJECTED WITHIN DLC 59, SECTION 30, TOWNSHIP 4 SOUTH, RANGE 1 WEST, W.M.; 1000 FEET NORTH AND 50 FEET WEST FROM THE SE CORNER, SECTION 30.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

NE 1/4 SW 1/4 2.3 ACRES

NW 1/4 SW 1/4 23.1 ACRES

SW 1/4 SW 1/4 6.9 ACRES

ALL AS PROJECTED WITHIN LARRISON DLC 58
SECTION 29

LOT 3 (SW 1/4 SW 1/4) 11.6 ACRES
SECTION 29

NW 1/4 SW 1/4 0.3 ACRE

SW 1/4 SW 1/4 1.5 ACRES

BOTH AS PROJECTED WITHIN DLC 59
SECTION 29

NE 1/4 SE 1/4 1.4 ACRES
AS PROJECTED WITHIN LARRISON DLC 58
SECTION 30

NE 1/4 SE 1/4 4.0 ACRES

SW 1/4 SE 1/4 4.6 ACRES

SE 1/4 SE 1/4 35.5 ACRES

ALL AS PROJECTED WITHIN DLC 59
SECTION 30

NW 1/4 NE 1/4 10.65 ACRES

AS PROJECTED WITHIN DLC 59

SECTION 31

LOT 2 (NW 1/4 NW 1/4) 1.7 ACRES

SECTION 32

TOWNSHIP 4 SOUTH, RANGE 1 WEST, W.M.

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water use information, including the place and nature of use of water under the right.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

Limited Water Level Decline/Interference Condition

To monitor the effect of water use from the well(s) authorized under this right, the Department requires the water user to submit annual static water level reports. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

After Use of Water has Begun

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurements to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The Water Resources Department has determined that the initial water level in Well # 1 is 24.0 feet below ground surface and in Well # 2 is 20.0 feet below ground surface. That is the level from which the cited declines in (A), (B) and (C) above will be referenced.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the water user's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

The right to the use of the water for the above purpose is restricted to beneficial use without waste on the lands or place of use described. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

The Director may require water level or pump test results every ten years.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

This certificate is issued to correct an error by the Department in the issuance of the previous Certificate and supersedes Certificate 82928.

Issued JAN 18 2007.


Phillip C. Ward, Director
Water Resources Department

Recorded in State Record of Water Right Certificates Number 83086.

G-12423.RA

T 10535



First American

First American Title Insurance Company of Oregon
280 Liberty St SE, Ste 100
Salem, OR 97301
Phn - (800)742-2414
Fax - (866)849-3065

MARION COUNTY TITLE UNIT

FAX (866)849-3065

Title Officer: **Debbie Filson**
(800)742-2414
dfilson@firstam.com

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**WATER RESOURCES DEPT
SALEM, OREGON**

LIMITED LOT BOOK SERVICE

Don Knauer
P.O. Box 5416
Salem, OR 97304

Order No.: 7089-1271170
August 08, 2008

Attn:
Phone No.: (503)585-8474 - Fax No.:
Email:

Re:

Fee: \$150.00

We have searched our Tract Indices as to the following described property:

Parcel I:

A parcel of land lying in Section 29, Township 4 South, Range 1 West of the Willamette Meridian in Marion County, Oregon, and being a portion of that property described in that deed to T. H. DeArmond and Wilhelmina DeArmond, recorded in Volume 395, Page 490, of Marion County Records of Deeds. The said parcel being that portion of said property lying Westerly of the Westerly right of way line of the Portland-Salem Expressway, as said Expressway has been located.

Save and except that portion of land conveyed to State of Oregon, by and through its State Highway Commission, dated June 21, 1956 and recorded June 25, 1956 in Volume 489, Page 263, Deed Records for Marion County, Oregon.

Further excepting therefrom that portion deeded to the State of Oregon by Deed recorded September 30, 1971 as Fee No. 933079.

Parcel II:

Lots 1-10, EHLEN'S ACRES, in the County of Marion and State of Oregon.

Excepting therefrom that certain portion of the herein described real Premises contained in that certain Final Decree filed September 18, 1954 in Clerks Number 40450 in the Circuit Court of the State of Oregon, for the County of Marion.

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WATER RESOURCES DEPT
SALEM, OREGON

and as of August 04, 2008 at 8:00 a.m.

We find that the last deed of record runs to

DeArmond Family LLC

We also find the following apparent encumbrances within ten (10) years prior to the effective date hereof:

NONE

We have also searched our General Index for Judgments and State and Federal Liens against the Grantee(s) named above and find:

NONE

We also find the following unpaid taxes and city liens:

1. Taxes for the fiscal year 2008-2009 a lien due, but not yet payable.
2. City liens, if any, of the City of Hubbard..
3. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.

NOTE: Taxes for the year 2007-2008 PAID IN FULL

Tax Amount:	\$2,557.47
Map No.:	041W30 00900
Property ID:	R47440
Tax Code No.:	01500030

(Affects Lots 1-4 and 8-10 of Parcel II)

NOTE: Taxes for the year 2007-2008 PAID IN FULL

Tax Amount:	\$57.79
Map No.:	041W31A 00300
Property ID:	R47441
Tax Code No.:	01500030

(Affects Lot 5 of Parcel II)

NOTE: Taxes for the year 2007-2008 PAID IN FULL

Tax Amount:	\$57.46
Map No.:	041W31A 00200
Property ID:	R47442
Tax Code No.:	01500030

(Affects Lot 6 of Parcel II)

NOTE: Taxes for the year 2007-2008 PAID IN FULL

Tax Amount:	\$57.57
Map No.:	041W31A 00100
Property ID:	R47443
Tax Code No.:	01500030

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SALEM, OREGON

(Affects Lot 7 of Parcel II)

NOTE: Taxes for the year 2007-2008 PAID IN FULL

Tax Amount:	\$533.06
Map No.:	041W29 00300
Property ID:	R11414
Tax Code No.:	01500030

(Affects Parcel I)

THIS IS NOT a title report since no examination has been made of the title to the above described property. Our search for apparent encumbrances was limited to our Tract Indices, and therefore above listings do not include additional matters which might have been disclosed by an examination of the record title. We assume no liability in connection with this Lot Book Service and will not be responsible for errors or omissions therein. The charge for this service will not include supplemental reports, rechecks or other services.

STATUTORY WARRANTY DEED

UNTIL A CHANGE IS REQUESTED,
ALL TAX STATEMENTS SHALL BE
SENT TO:

DeArmond Family LLC
11463 Broadacres Rd. NE
Hubbard, OR 97032

AFTER RECORDING,
RETURN TO:

Con P. Lynch
PO Box 741
Salem, OR 97308-0741

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SALEM, OREGON

JESSE C. OWRE, Grantor, conveys and warrants to DeARMOND FAMILY LLC, Grantee, the real property described on the attached Exhibit A, and located in Marion County, Oregon.

SUBJECT TO:

1. All liens and encumbrances of record or apparent on the property by inspection.
2. A life estate for the homesite located at 10333 Broadacres Rd. NE, Hubbard, OR 97032 on Map Tax Lot #041 W30 00900, reserved to Grantor and his wife, Lynn Owre, for the lives of the Grantor and Lynn Owre for their joint lives and the life of the survivor of them, or until such time as Grantor and Lynn Owre move from the property or fail to reside on the Property for a period of six consecutive months, whichever event shall first occur.

The true and actual consideration for this conveyance consists of \$1,200,000.00 as paid to and by an accommodator pursuant to a 1031 tax deferred exchange.

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS, WHICH, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND WHICH LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND EXISTENCE OF FIRE PROTECTION FOR STRUCTURES.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY

APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Page 1 -

STATUTORY WARRANTY DEED

(C:\Documents and Settings\avcarlson\Local Settings\Temporary Internet Files\OLK2\Statutory Warranty Deed.doc)

F.A.T. 504019

JAN 26 2005

DATED: January 24, 2005

Jesse C Owre
JESSE C. OWRE

STATE OF OREGON)
) ss.
County of Marion)

On January 24, 2005, personally appeared the above-named JESSE C. OWRE, and acknowledged the foregoing instrument to be his voluntary act. Before me:



Bryn L. Lynch
My Commission Expires: Oct. 21, 2008

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WATER RESOURCES DEPT
SALEM, OREGON

Page 2 -

STATUTORY WARRANTY DEED

(C:\Documents and Settings\avcarlson\Local Settings\Temporary Internet Files\OLK2\Statutory Warranty Deed.doc)

JAN 26 2005

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SALEM, OREGON

Exhibit A

Parcel I:

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Tax Parcel Number: R47440 and R47441 and R47442 and R11414 and R47443

Exhibit A Page 1

JAN 26 2005

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SALEM, OREGON

REEL:2431

PAGE: 281

January 26, 2005, 03:44 pm.

CONTROL #: 132855

State of Oregon
County of Marion

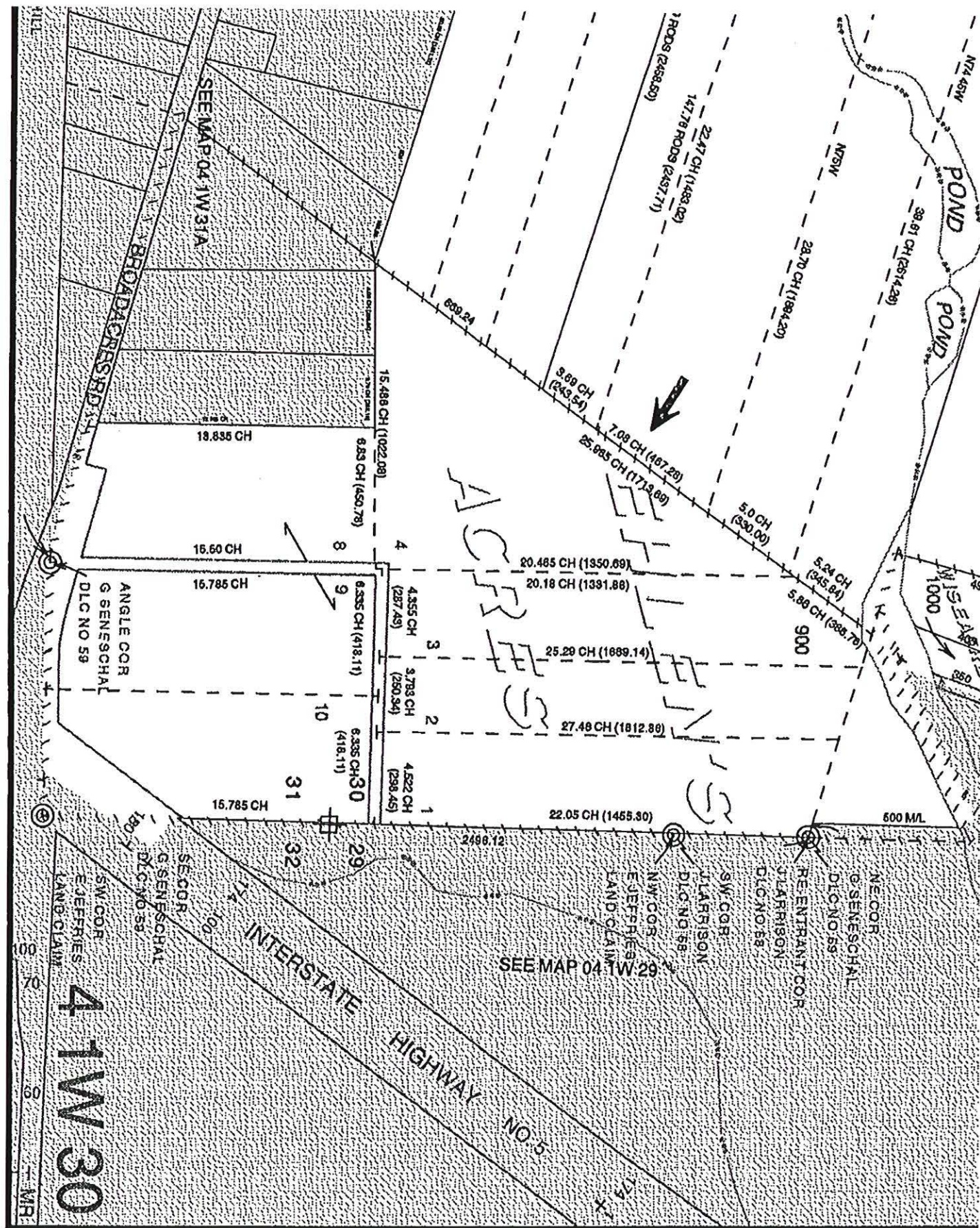
I hereby certify that the attached
instrument was received and duly
recorded by me in Marion County
records:

FEE: \$ 36.00

BILL BURGESS
COUNTY CLERK

THIS IS NOT AN INVOICE.

JAN 26 2005



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WATER RESOURCES DEPT
SALEM, OREGON

LEGEND

LINE TYPES

TAX LOT BOUNDARY	OLD PROPERTY LINE
ROAD RIGHT-OF-WAY	VACATED RIGHT-OF-WAY
RAILROAD	RAILROAD RIGHT-OF-WAY
STREAM, LAKE, ETC.	STREAM, LAKE, ETC.
TAX LOT BOUNDARY	NON-BOUNDARY
SUBDIVISION BOUNDARY	PARTITION PLAT BDY.
TAX CODE BOUNDARY	EASEMENT

SYMBOL TYPES

DLC	
CONTROL POINTS	
SURVEY MONUMENTS	
G.L.O. CORNERS	
SECTION	1/4 SEC
1/16 SEC	

NUMBERS

TAX CODE NO.
000 00 00 0

ACREAGE - ALL ACREAGES EXCLUDE
ANY PORTION THAT MAY LIE
WITHIN THE INDICATED PUBLIC
RIGHT OF WAYS.

TICK MARKS - WHEN A TICK MARK IS
INDICATED ON THE EXTENSION OF
A LINE, THEN THE DIMENSION GOES
TO THE TICK MARK. GENERALLY THIS
IS USED WHEN DIMENSIONS GO INTO
PUBLIC RIGHT OF WAYS.

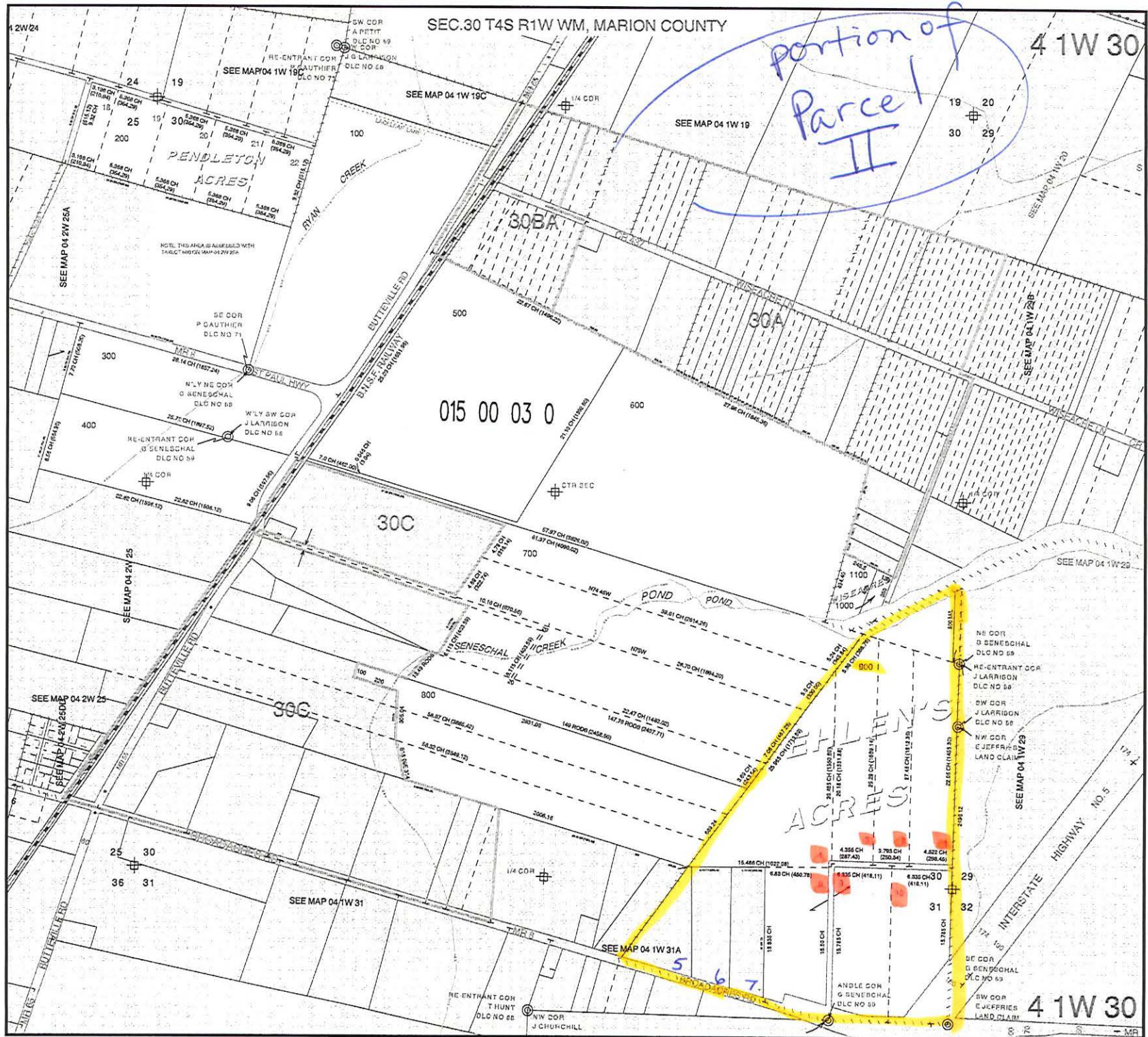
ARROWS ARE USED WITH DIMENSIONS
IN AREAS OF GREATER COMPLEXITY.

NOTICE: This map was
created for Assessor's
Office use ONLY.



SCALE 1" = 400'
or 1:4800

Plot file created: September 09, 2005
Assessor's Office use ONLY



LEGEND

LINE TYPES

TAX LOT BOUNDARY	OLD PROPERTY LINE
ROAD RIGHT-OF-WAY	VACATED RIGHT-OF-WAY
RAILROAD	RAILROAD RIGHT-OF-WAY
STREAM, LAKE, ETC.	STREAM, LAKE, ETC.
TAX LOT BOUNDARY	NON-BOUNDARY
SUBDIVISION BOUNDARY	PARTITION PLAT BOY.
TAX CODE BOUNDARY	EASEMENT

SYMBOL TYPES

D.L.C.	⊙
CONTROL POINTS	▲
SURVEY MONUMENTS	*
C.L.O. CORNERS	+
SECTION	1/4 SEC
1/16 SEC	1/4 COR
1/16 COR	1/16 COR

NUMBERS

TAX CODE NO.
000 00 00 0

ACREAGE - ALL ACREAGES EXCLUDE
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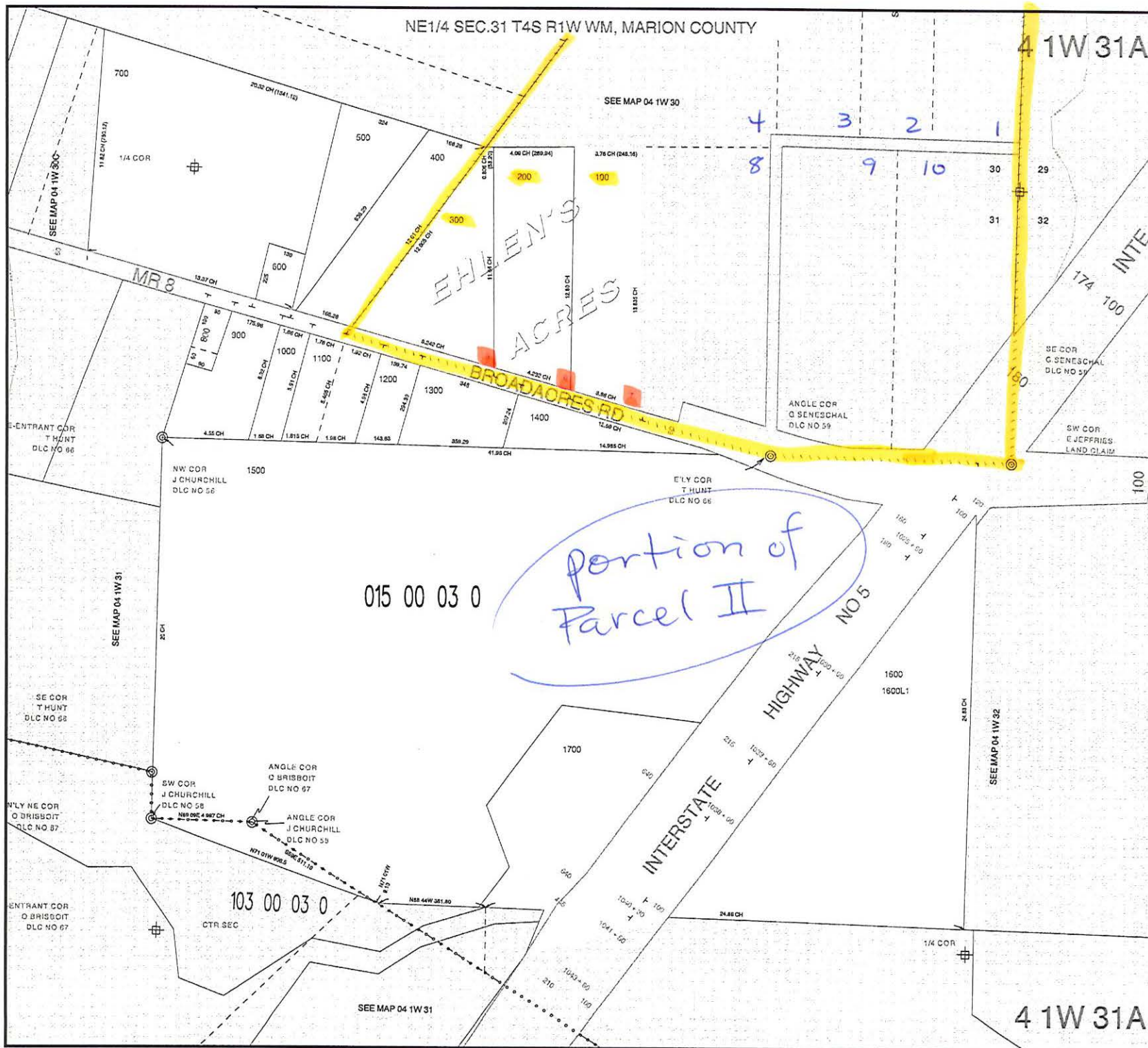
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Office use ONLY.



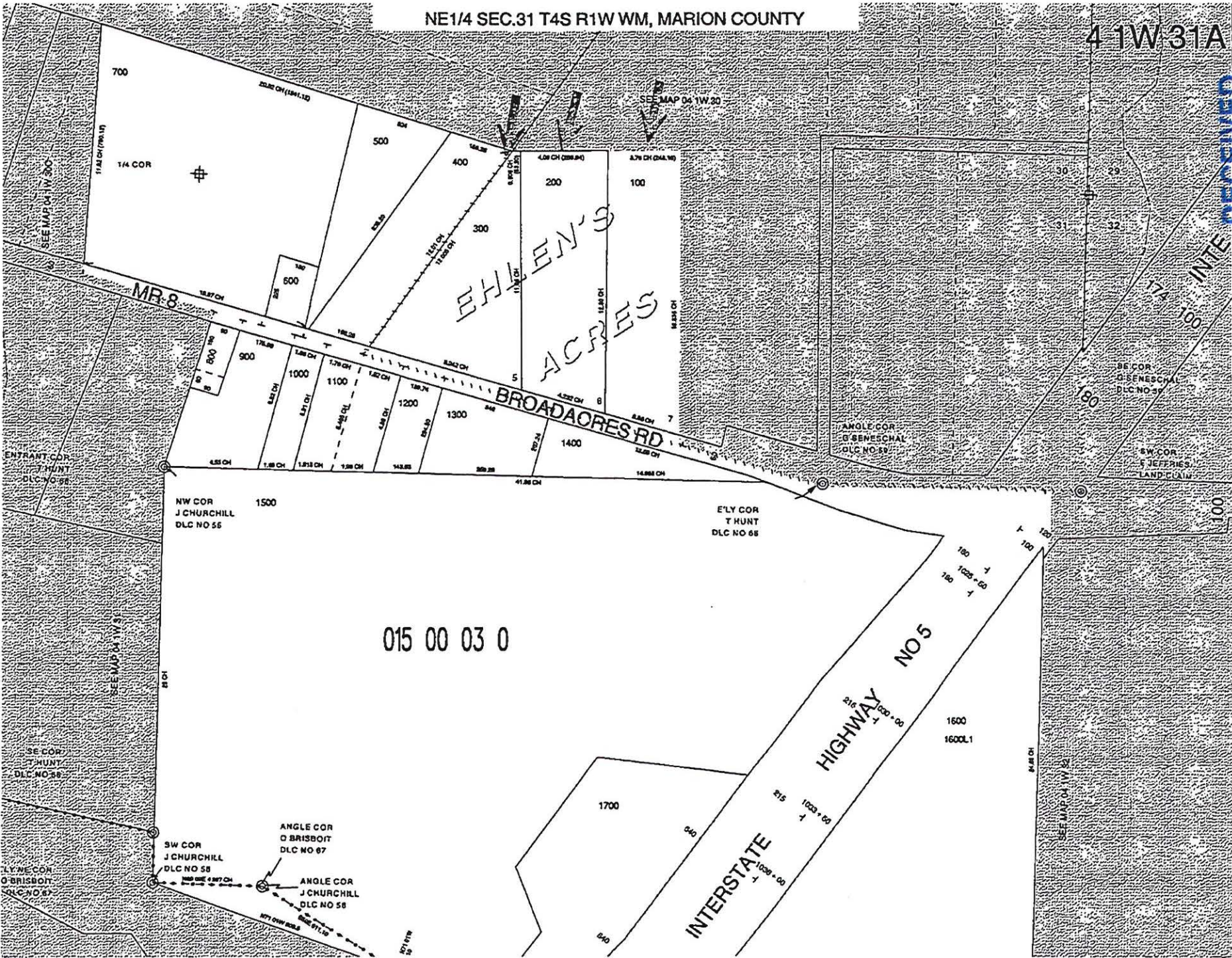
SCALE 1" = 200'
or 1:2400

Plot file created: July 27, 2004
/assimg/041w31a.tif emckane



NE1/4 SEC.31 T4S R1W WM, MARION COUNTY

4 1W 31A



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SALEM, OREGON

WATER RESOURCES DEPT
PORTLAND, OREGON

15,2001

41W29

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **116333** 725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172 INVOICE # _____
(503) 986-0900 / (503) 986-0904 (fax)

RECEIVED FROM: <u>T. H. Dearmond 3</u>	APPLICATION	
BY: <u>Son</u>	PERMIT	
	TRANSFER	<u>T-16535</u>
CASH: ☐ CHECK:# <u>12579</u> OTHER: (IDENTIFY) ☐	TOTAL REC'D \$ <u>175.00</u>	

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES	\$
OTHER: (IDENTIFY)	\$
0243 I/S Lease	0244 Muni Water Mgmt. Plan
0245 Cons. Water	

4270 WRD OPERATING ACCT

MISCELLANEOUS		
0407 COPY & TAPE FEES	\$	
0410 RESEARCH FEES	\$	
0408 MISC REVENUE: (IDENTIFY)	\$	
TC162 DEPOSIT LIAB. (IDENTIFY)	\$	
0240 EXTENSION OF TIME	\$	
WATER RIGHTS:		
0201 SURFACE WATER	EXAM FEE	0202 RECORD FEE
0203 GROUND WATER	\$	\$
0205 TRANSFER	\$	\$
WELL CONSTRUCTION		
0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219 LICENSE FEE
LANDOWNER'S PERMIT	\$	\$
0220		\$
0200 OTHER (IDENTIFY) <u>claim of beneficial use</u>		<u>175.00</u>

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE	\$	CARD #	
0210 MONITORING WELLS	\$	CARD #	
OTHER (IDENTIFY)			

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)		\$
0231 HYDRO LICENSE FEE (FW/WRD)		\$
HYDRO APPLICATION		\$

TREASURY OTHER / RDX

FUND	TITLE
OBJ. CODE	VENDOR #
DESCRIPTION	

**RECEIVED
OVER THE COUNTER**

RECEIPT: **116333** DATED: 6-23-15 BY: Marijke
Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **91430**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

COPY
INVOICE # _____

RECEIVED FROM: T.H. DeArmond & Son
BY: _____

APPLICATION	
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 12470 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 375.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES 47124 \$ _____
408 OTHER: (IDENTIFY) Reimbursement Authority \$ 375.00
0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS T-10532

0407 COPY & TAPE FEES	<u>10533</u>	\$ _____
0410 RESEARCH FEES	<u>10535</u>	\$ _____
0408 MISC REVENUE: (IDENTIFY)		\$ _____
TC162 DEPOSIT LIAB. (IDENTIFY)		\$ _____
0240 EXTENSION OF TIME		\$ _____

**RECEIVED
OVER THE COUNTER**

WATER RIGHTS:	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$ _____	0202	\$ _____
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ _____		
WELL CONSTRUCTION	EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$ _____	0219	\$ _____
LANDOWNER'S PERMIT		0220	\$ _____
OTHER (IDENTIFY) _____			

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD # _____
0210 MONITORING WELLS \$ _____ CARD # _____
OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$ _____
0231 HYDRO LICENSE FEE (FW/WRD) \$ _____
HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____
OBJ. CODE _____ VENDOR # _____
DESCRIPTION _____ \$ _____

RECEIPT: **91430**

DATED: 2/12/08 BY: S. Pauline

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

T 10535

Dorothy Pedersen

From: Dorothy Pedersen
Sent: Tuesday, April 08, 2008 5:54 PM
To: 'Terrance Anthony'
Subject: RE: DeArmond 'working' DPDs
Attachments: 10532-wm-rev.pdf; 10533-wm-rev.pdf; 10535-wm-rev.pdf

Terry,

Attached are the watermaster reviews for T-10532, T-10533 and T-10534. I'll send the groundwater reviews as soon as they are completed.

Here are some comments to the drafts:

T-10532

I think you are on the right track with the separation in the places of use and links with the two groups of wells. We will end up with only one certificate, however, so here is a suggestion based on how some of the older rights have been structured. Generally they termed the two POUs as "Tract 1 and Tract 2".

It might help the flow of thought to put current finding #8 right after the description of the certificate (by the way, I'd not include the Well Log number in the certificate POA description, since it is not on the certificate).

Then you could put the finding about the proposed place of use.

Then, divide the cfs of the right proportionate to the acreage in the two new POU tracts, and reword the finding about the change in POA to state that T-10532 proposes to change the POA "x" cfs from the authorized well to one group of wells for use on the lands in tract 1 and to change the POA for "y" cfs to another group of wells for use on the lands in tract 2. Then show your POA tables. Generally the Department lists the well name at the beginning of the table cells in the "survey coordinates" column, followed by a colon and the coordinates.

T-10533

I'd suggest re-arranging the change findings as follows:

First have the change in character of use for the primary portion (x cfs and acres, and x annual acre-feet) to nursery and explain that it will be transferred onto lands that have another irrigation right under Certificate xxxx or Groundwater Registration xxxxx that is also proposed to be changed to nursery use under T-xxxx that is being processed concurrently.

Then have the change in place of use for both the primary (changed to nursery) and the supplemental irrigation (no change in character of use) and show the tables for the new POUs.

Then have the change in points of appropriation for use on the new POUs (with cfs divided as in T-10533).

T-10535

It appears to me that there will not be a remaining right certificate because all of the right has either an additional POA or a change in character of use to nursery, so just divide it out to describe what acres get which changes. Because of the character of use change for part, you'll need to quantify cfs, acreage and acre-feet that are available for each character of use.

Often we will add a column in the "from land" POU table that tells what type or types of change are proposed for each row in the table. Then you can add in the POA change that all of the listed part of the right is to have that change. Then follow that with the finding that describes the change to nursery with "Nursery Use" in the heading of the table.

Since this change to nursery is not a "doubling up" of rate as in T-10532, but a "stacking with another right" as in

4/8/2008

T-10533, you can copy and paste the statement that it is to be in combination with the other right that is being transferred onto it under the other transfer(s) being processed concurrently. This right, itself, will not give them 1/40th cfs/acre.

I hope this is helpful. Let me know if you have further questions or comments. These are certainly more complex than the average transfer, and require some creativity with the template structure. It's always hard to know where the line is between creativity and consistency.

Thanks,
Dorothy

From: Terrance Anthony [mailto:conservationstrategies@comcast.net]
Sent: Sunday, April 06, 2008 8:34 PM
To: Dorothy Pedersen
Subject: DeArmond 'working' DPDs

Dorothy,

I'm sending you my working DPDs for the DeArmond transfers (attached). At this time everything appears to be in order and they are near completion. I'm hoping you will have time to glance at them while we await the Groundwater review--not necessarily for detail, but just to make sure I'm understanding all the subtleties of these nursery use transfers.

Thanks!

Terry

Terrance Anthony
ph 503.282.1953
fax 503.493.2512
conservationstrategies@comcast.net

4/8/2008

WORK ORDER

Work Order #: **R09 109 09**

Water Right Contract Work

This Work Order hereby incorporates by reference all of the terms and conditions contained in the Price Agreement between the State of Oregon acting by and through Oregon Water Resources Department and **Terrance Anthony**.

Contractor Data	Water Resource Data
Project Contact: Terrance Anthony	Project Officer: Dorothy Pedersen
Title:	Field Services Division
Address: 2532 NE 32 nd Court	Address: 725 Summer Street NE, Suite A
Portland, OR 97212	Salem, OR 97301-1266
Phone: (503) 282-1953	Phone: (503) 986-0890
Fax: (503) 493-2512	Fax: (503) 986-0903
E-Mail: conservationstrategies@comcast.net	E-Mail: Dorothy.I.Pedersen@wrdd.state.or.us

Work Order Effective Date: **March 21, 2008**.

Part I. General Information. This Work Order is in effect between the contractor and the Department for the processing of water right applications as described in the Master Agreement.

Part II. Work; Acceptance Criteria; Deliverables and Delivery Schedule: – See Exhibit A (Statement of Work for delivery schedule.

Part III. Special Considerations. There is no Special Consideration related to this Work Order.

Part IV. Payment Provisions. Unless otherwise specified, payments related to this Work Order shall be made only upon receipt and approval of the final product - The Product includes all deliverables - the Final Check List, Electronic and Paper Reports.

Payment for this work shall be processed upon receiving related invoice and the completed Deliverable Cover Sheet.

Part V. Travel and Other Expenses.

Agency shall not reimburse Contractor for any travel expense under this Contract.

Part VI. Contract Amendments.

The Agency reserves the right to amend the Contract for the Anticipated Amendments, listed below, in accordance with the rules of OAR 125-246-0560.

ANTICIPATED AMENDMENTS

None. Unless specified by the Agency.

Exhibit A
Statement of Work
Reimbursement authority
Itemized Estimate
For
Transfer

Application Number: T-10535

Name of Applicant: Thomas H. DeArmond

	Item	Time
1	Review of application for completeness.	1.5
2	Review of "From" lands to confirm consistency with existing right(s) and ownership.	2.0
3	Review of "To" lands for conflicts and preparation of draft deficiency letter (if necessary).	2.5
4	Preparation of draft preliminary determination, DPD cover letter and contact list.	4.5
5	Preparation of PD public notice, PD cover letter (and remaining right certificate(s) if necessary), and processing documentation.	3.0
Total Estimated Time:		13.5

Total estimated cost is 13.5 hours at \$90.00 per hour = **\$1,215.00**

- Estimated date of completion for the Draft Preliminary Determination once a Work Order has been executed is no later than: **April 4, 2008***

**Dates are contingent on the Applicant's expeditious resolution of any deficiency.*

Contractor shall notify OWRD in advance if more than 13.5 hours is needed to complete the work described in the Statement of Work above.

Invoices for this Work Order shall be sent to:

Salem Opeifa
Loan Servicing Specialist
725 Summer Street NE, Suite A
Salem, OR 97301-1271

CONTRACTOR, YOU WILL NOT BE PAID FOR SERVICES RENDERED PRIOR TO NECESSARY APPROVALS.

Agency may terminate this Work Order:

- a. Immediately upon written notice if the Department fails to receive funding from the Applicant.
- b. Upon receiving a written Termination Notice from the Applicant.

Contractor will be paid for all work performed up to the time of the written Termination Notice but not to exceed the total amount of this Work Order.

ACCEPTANCE OF TERMS BY CONTRACTOR:

Name

Signature

Date

APPROVED BY AGENCY:

Tracy Loudon
Administrator
Administrative Services
Oregon Water Resources Department

Date

Reviewed as to Legal Sufficiency by Assistant Attorney General
(All work orders more than \$75,000 must be approved by the AG's Office)

Date

**Reimbursement Authority Process
Itemized Estimate Sheet
for
Water Rights Transfer**

Application Number T-10535

Name of Applicant: Thomas H. DeArmond

Proposed Timeline

2/19/08	Public Notice (start of 30-day comment period).
4/4/08	Completion of draft preliminary determination--1 week after contracts signed and removal of deficiencies, but not before the end of the Public Notice comment period and receipt of all agency reviews (Watermaster, groundwater and ODFW as applicable).
5/9/08	Deadline for applicant review of draft preliminary determination--30 days or more after draft PD mailed to applicant, depending on issues to be resolved.
5 working days after DPD comments received	Completion of contract work: Submittal of PD cover letter, PD public notice (and remaining rights certificates if applicable)--within 5 business days after comments received from applicant that the draft is satisfactory, or after the end of the period for applicant to comment on draft PD and remedy deficiencies.

For purposes of water right transfers, all deliverables must be in Microsoft Word except remaining right certificates for which electronic copies of the existing certificates are currently available in WordPerfect.

Estimate

	Item	Time
1	Review of application for completeness.	1.5
2	Review of "From" lands to confirm consistency with existing right(s) and ownership.	2.0
3	Review of "To" lands for conflicts and preparation of draft deficiency letter (if necessary).	2.5
4	Preparation of draft preliminary determination, DPD cover letter and contact list.	4.5
5	Preparation of PD public notice, PD cover letter (and remaining right certificate(s) if necessary), and processing documentation.	3.0
Total Estimated Time:		13.5

(Indicate the estimated amount of time, in ½ hour increments, needed to complete each item listed.)

Prior to preparing an estimate, contact Department staff if work could not be performed consistent with the proposed timeline. In developing the estimate, review the transfer application, transfer map, existing certificate, and final proof map. Pay particular attention to the clarity of the existing rights and the complexity of the request.

Name of Consultant: Conservation Strategies

Authorized Representative: _____

Date: _____

3-3-08

Dorothy Pedersen**From:** Dorothy Pedersen**Sent:** Friday, February 29, 2008 2:28 PM**To:** 'Terrance Anthony'**Subject:** RE: T-10532 - 10535

Attachments: 10532-RA-ReviewChecklist.doc; 10532-DPD Cover Approval template.doc; 10532-DPD Cover Deny-template.doc; 10532-dpd-template.doc; 10532-pd-cov-template.doc; 10533-RA-ReviewChecklist.doc; 10533-DPD Cover Approval template.doc; 10533-DPD Cover Deny-template.doc; 10533-dpd-template.doc; 10533-pd-cov-template.doc; 10535-RA-ReviewChecklist.doc; 10535-DPD Cover Approval template.doc; 10535-DPD Cover Deny-template.doc; 10535-dpd-template.doc; 10535-pd-cov-template.doc; Contact List.dot; PD_notice.dot; DeficLet.dot; supplemental-lang.doc; 10533-rr-44644-template.doc

Hi Terry,

Attached are templates for the projects.

1) We have allowed irrigation use to be transferred to a smaller place of use at a proportionally higher duty with a change in character of use to nursery, since the usual rate and duty for nursery use is greater than that for irrigation. As long as there is no net increase in water use, the change can be made without enlargement. One transfer of that type that you can access on line is T-7569.

2) To confirm non-use, two affidavits are filed alleging non-use, leading to a cancellation proceeding that is conducted through the Office of Administrative Hearings. In the transfer process we are looking for evidence of use in the last five years, consisting of one affidavit and one or more other pieces of documentation. Usually we expect to see one of the documentation types listed in OAR 690-380-3000(12). If it is not possible for the applicant to provide meter readings, sales receipts, dated aerial photos, etc., we have accepted a second affidavit from another person with personal knowledge of the use of water.

Dorothy

From: Terrance Anthony [mailto:conservationstrategies@comcast.net]**Sent:** Thursday, February 28, 2008 8:53 PM**To:** Dorothy Pedersen**Subject:** Re: T-10532 - 10535

Dorothy,

I've reviewed the files and have estimates ready. However as these are very quirky transfers, I'd really like to take a look at the templates before I send them in. If that's problematic, let me know.

Also:

1) can you confirm, or point me to the legal document that says doubling up the water rights for nursery use is indeed allowed? Is there an official formula that I should use? How is the new duty expressed?

2) are two affidavits, each based solely on personal observation, sufficient by themselves to confirm non-use?

Thanks,

Terry

2/29/2008

Terrance Anthony
ph 503.282.1953
fax 503.493.2512
conservationstrategies@comcast.net

----- Original Message -----

From: Dorothy Pedersen
To: Terrance Anthony
Sent: Tuesday, February 26, 2008 7:18 AM
Subject: RE: T-10532 - 10535

Terry,

The reason you did not receive T-10534 is that it is a groundwater registration modification that will be processed by the Department, concurrently with the transfers you have. I expect the groundwater reviews to be completed within a month, but if you have not received the review by the time you are developing the draft preliminary determination, let me know and I'll check on it.

Have a good day,
Dorothy

From: Terrance Anthony [mailto:conservationstrategies@comcast.net]
Sent: Monday, February 25, 2008 9:37 PM
To: Dorothy Pedersen
Subject: T-10532 - 10535

Hi Dorothy,

I received three DeArmond transfers in the mail today (T-10534 was missing...?). I'll hold off on an estimate until I hear from you.

btw, What is a realistic timeframe to expect the groundwater report for these?

Terry

Terrance Anthony
ph 503.282.1953
fax 503.493.2512
conservationstrategies@comcast.net

Shipping Checklist for Reimbursement Authority File

File T- 10535 Applicant: Thomas DeArmond

Agent/Contact: Don Krauer

Ship to Contractor: Terrance Anthony

Items included:

- ☒ Copy of front of file folder
- ☒ Reimbursement Authority Estimate Application
- ☒ Transfer Application form
- ☒ Transfer map
- ☒ Evidence of use affidavit
- ☒ Supporting documentation for evidence of use
- ☒ Land-use Information form
- ☒ Lot book report (or deed if instream or temporary transfer, or application received before 7/1/03)
- ☒ Certificate or copy of decree for each right to be transferred
- ☒ Final Proof map or decree map for each right to be transferred
- ☒ Well logs (if change in POA, SW POD-to-GW POA change)
- ☐ Watermaster review (all transfers)
- ☒ ODFW review (if change in POD) will send these later
- ☐ GW review (if Δ POA, or POD-to-POA change)
- ☐ Transfer review checklist - *will email with templates*
- ☒ Final Deliverable cover sheet
- ☒ Itemized Estimate sheet for contractor

Additional things to check:

- ☒ All regular application processing fees paid
- ☒ Reimbursement Authority \$125 fee paid for preparing estimate
- ☒ Date of WRD initial Public Notice 2-19-08

Number of sheets copied 21

File contents copied by J. Paradise Date 2-21-08

**Reimbursement Authority Process
Itemized Estimate Sheet
for
Water Rights Transfer**

Application Number T-10535

Name of Applicant: Thomas H. DeArmond

Proposed Timeline

2/19/08	Public Notice (start of 30-day comment period).
4/4/08	Completion of draft preliminary determination--1 week after contracts signed and removal of deficiencies, but not before the end of the Public Notice comment period and receipt of all agency reviews (Watermaster, groundwater and ODFW as applicable).
5/9/08	Deadline for applicant review of draft preliminary determination--30 days or more after draft PD mailed to applicant, depending on issues to be resolved.
5 working days after DPD comments received	Completion of contract work: Submittal of PD cover letter, PD public notice (and remaining rights certificates if applicable)--within 5 business days after comments received from applicant that the draft is satisfactory, or after the end of the period for applicant to comment on draft PD and remedy deficiencies.

For purposes of water right transfers, all deliverables must be in Microsoft Word except remaining right certificates for which electronic copies of the existing certificates are currently available in WordPerfect.

Estimate

	Item	Time
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4	Preparation of draft preliminary determination, DPD cover letter and contact list.	
5	Preparation of PD public notice, PD cover letter (and remaining right certificate(s) if necessary), and processing documentation.	
Total Estimated Time:		

(Indicate the estimated amount of time, in ½ hour increments, needed to complete each item listed.)

Prior to preparing an estimate, contact Department staff if work could not be performed consistent with the proposed timeline. In developing the estimate, review the transfer application, transfer map, existing certificate, and final proof map. Pay particular attention to the clarity of the existing rights and the complexity of the request.

Name of Consultant: Conservation Strategies

Authorized Representative: _____ Date: _____

**Reimbursement Authority
Final Deliverables Cover Sheet
for
Transfers**

Transfer # T-10535

Applicant: Thomas H. DeArmond

The following items have been submitted electronically*:

- ☐ Contact List
- ☐ Draft Preliminary Determination (DPD)
- ☐ DPD Cover Letter
- ☐ PD Notice
- ☐ PD Cover Letter
- ☐ Remaining Right Certificates (one for each right that is not entirely affected by the transfer)
- ☐ Instream Water Right Certificate (if needed)

***NOTE:** Transfer documents should be submitted in MS Word format preferably, or "rich text" format.

The following items are enclosed:

- ☐ Review checklist
- ☐ Marked copy of transfer application
- ☐ (for POU changes) Plat Card Report marked to indicate any other rights on the "From" lands
- ☐ (for POU changes) Plat Card Report marked to indicate rights overlapping proposed POU
- ☐ Notes or sketches, maps, etc. from evaluation of changes, injury evaluation, etc. that will help document what was considered in reaching the findings and determination in the Preliminary Determination.
- ☐ Copies of each certificate that is only partially included in the transfer, marked as needed to show what portion of the right is being affected, and what remains unchanged.

☐ Signature of Contractor: _____ Date: _____

For WRD use only:

WRD approval by: _____ Date: _____

RECEIVED

FEB 12 2008

**WATER RESOURCES DEPARTMENT
REIMBURSEMENT AUTHORITY ESTIMATE APPLICATION**

**WATER RESOURCES DEPT
SALEM, OREGON**

House Bill 2551 (2003 Oregon Laws) authorizes the Oregon Water Resources Department to expedite or enhance regulatory processes voluntarily requested under the agreement. The voluntary agreement can be entered into with any person requesting services and agreeing to pay the Department's costs of providing the service.

The Department has established a pool of qualified contractors to perform expedited services for water right transfers and water right certificates.

The purpose of this application is to obtain an estimate from the next qualified contractor in the appropriate pool. There is a non-refundable application fee of \$125.00 per request. The contractor will provide an estimate of the cost and of the time required to process and develop a recommendation on the request of a: (check one):

<u>REQUEST</u>	<u>TYPE</u>	<u>FILE NUMBER</u>
☒	Transfer Application	<u>10535</u>
☐	Certificate Request	_____

<u>Applicant Information</u>		<u>Applicant's Representative/Contact</u>
Name: (Please Print)	<u>Tom DeArmond</u>	<u>Don Knaue</u>
Address:	<u>11463 Broadmeads Rd. NE</u>	<u>PO Box 5416</u>
	<u>\$ Hubbard Ore 97032</u>	<u>Salem Ore 97304</u>
Phone:	<u>503-981-0319</u>	<u>503-585-8474</u>
Fax		
E-Mail Address:		

I understand the following:

- There is a non-refundable application fee of \$125.00 per request.
- That upon receipt of my non-refundable application fee in the amount of \$ 125.00, OWRD will assign my request to the next contractor in the pool of contractors performing expedited services.
- That this fee covers the copying, the mailing cost, as well as the cost for the contractor to evaluate and provide the estimate for processing of the request.
- That OWRD will provide all pertinent information to the assigned contractor within one (1) business day.
- That OWRD will, within fourteen (14) days, notify me in writing of the estimates of costs and time frame for the expedited service.
- That upon receiving the estimates I may agree or decline to enter into a formal contract to pay the estimated cost in advance to initiate the expedited service.
- An incomplete or inaccurate application may delay the process and increase the cost to process my request.
- Expedited processing does not guarantee a favorable review of my request.

I certify that I am the (check one) ☒ Applicant ☐ Applicant's Representative ☐ Other (Please specify) _____

Signature: Tom DeArmond Name: Tom DeArmond 2-12-08

OWRD USE ONLY

Contractor Assigned:	Total Amount Paid: \$
OWRD Approval:	

Revised: 6/21/2004

T 10535